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THE LAW OF PILOTAGE
ON THE
RIVER THAMES.
BY
W. H. FARNFIELD.

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ON THE

RIVER THAMES.

PRINTED BY BALLANTYNE AND COMPANY
EDINBURGH AND LONDON

THE LAW OF PILOTAGE

ON THE

RIVER THAMES.

BY

WILLIAM HENRY FARNFIELD,

SOLICITOR,

A Member of the Incorporated Law Society.

LONDON:

DAVIS & SON,

57 CAREY STREET, LINCOLN'S INN, W.C.

1874.

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PREFACE.

SINCE the passing of the Merchant Shipping Act, 1854, Part V. of which was intended as a re-enactment of all matters relating to Pilotage, no work has been published dealing with such subject; and as great doubt seems to exist in the minds of Shipowners, and even Pilots themselves, with respect to the present state of the law thereon, the present book has been written. The references to authorities and notes are necessarily very brief, so as to bring them within a small compass, as to reprint cases would have seemed, and justly so, merely an excuse for increasing the size of the work, contrary to the wish of the writer, whose aim has

been to state every point as concisely as the nature of the subject admits.

It is obvious that an alteration in the law will soon be made; in the meantime the author trusts that his book will be of some slight service to those for whom it was more particularly penned.

WM. HENRY FARNFIELD.

90 LOWER THAMES STREET,
LONDON, *September* 1874.

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THE LAW OF PILOTAGE

ON THE

RIVER THAMES.



THE truth is, said Dr Lushington, in giving judgment in a case to which we shall hereafter have to refer, “the Pilotage Law is in great confusion;” and with a view to reduce this state of confusion, and to harmonise the different statutes, orders, and decisions bearing upon this law, so far as it affects the River Thames, the present treatise has been written.

The name of Pilot is applied to a person taken on board at a particular place, for the purpose of conducting a Ship through a river road or channel, or from or into a port; for it cannot be expected that every Master in command of a Vessel is to have the necessary knowledge requisite to enable him to navigate such Vessel in every port in which he happens to be; and as a general law he is bound to

employ a qualified pilot to take charge in all ports and places within the limits of a pilot's establishment.

The chief pilotage authority in the United Kingdom is the Corporation of the Trinity House, Deptford Strond, known as the London Trinity House, and the jurisdiction of that Corporation for licensing and regulating pilots on the River Thames is now subject to certain rights conferred upon the Board of Trade supreme.

The powers of the Trinity House, and its ancient privileges, are more particularly referred to in the preamble of the Act 6 Geo. IV. c. 125, which Act, coupled with the 9 Geo. IV. c. 86, which prohibited Cinque Port pilots, unless expressly licensed, from taking charge of Vessels to the westward of the public landing-place at Gravesend, or westward of Standgate Creek in the Medway, for some years existed as the only authority for the Corporation to exercise such powers, until its repeal by the Merchant Shipping Repeal Act, 1854 (17 and 18 Vict. c. 120), but the jurisdiction possessed by the Corporation as a pilotage authority is retained to it by the Merchant Shipping Act, 1854 (17 and 18 Vict. c. 104), hereinafter fully referred to.

The preamble is as follows :—

Whereas Ships and Vessels have frequently been wrecked, and many lives and much property have been lost, from the ignorance or misconduct of persons taking charge of such Ships and Vessels

as pilots. And whereas the Master, Wardens, and Assistants of the Guild Fraternity or Brotherhood of the Most Glorious and Undivided Trinity and of Saint Clement, in the parish of Deptford Strond, in the County of Kent, commonly called, "The Corporation of Trinity House of Deptford Strond," have, as well by usage for more than three centuries, as by grants from the Crown, been empowered to appoint pilots, loadsmen, or guides to conduct Ships and Vessels into and out of and upon the River of Thames, through the North Channel, to or by Orfordness and round the Long Sand Head, or through the Queen's Channel, the South Channel, or other Channels into the Downs, and from and by Orfordness and up the North Channel, and up the Rivers Thames and Medway, and the several creeks and channels belonging or running into the same, and to make such orders and constitutions as should be needful for the wholesome government of seafaring men, and maintenance and increase of navigation, and of all seafaring men within the said River of Thames; in pursuance of which powers, the said Corporation have, from time to time, appointed a sufficient number of pilots for the purposes before mentioned, and made orders for the better regulation and government of the same.

The preamble then recited that the provisions of the Acts then in force* had been found inadequate and insufficient, and it was therefore expedient that the same should be repealed, and that the provisions therein contained respecting pilots and pilotage should be improved and amended, and consolidated in one law; the said Acts, and all provisions in other Acts relating to pilots and pilotage, were repealed, and by Section 2, the Trinity House had, using the exact words of the section, the following powers vested in them:—

* Acts referred to 52 Geo. III. c. 39 and 55 Geo. III. c. 87.†

That from and after the passing of this Act, it shall be lawful for the said Corporation of Trinity House of Deptford Strond ; and they are hereby required, after due examination, to appoint and license under their common seal fit and competent persons, duly skilled, to act as pilots for the purpose of conducting all Ships and Vessels sailing, navigating, and passing as well up and down, or upon the Rivers of Thames and Medway, and all and every the several channels, creeks, and docks thereof or therein, or leading or adjoining thereto between Orfordness and London Bridge, as also from London Bridge to the Downs, and from the Downs westward, as far as the Isle of Wight ; and in the English Channel from the Isle of Wight up to London Bridge, and all Ships and Vessels sailing, navigating, and passing as aforesaid (save and except as hereinafter provided*) shall be conducted and piloted within the limits aforesaid by such pilots, so to be appointed and licensed, and by no other pilots or persons whomsoever.

Previous to the passing of the Act 6 Geo. IV. c. 125, above referred to, pilotage from Dover, Deal, and the Isle of Thanet, up the Rivers Thames and Medway, was regulated by Statutes 3 Geo. I. c. 13, 7 Geo. I. c. 21, and 43 Geo. III. c. 152, revived and continued by 47 Geo. III. Stat. 2, c. 71, and 48 Geo. III. c. 104.

Pilotage down the Thames and through the North Channel, to or by Orfordness, and round the Long Sand Head into the Downs, and down the South Channel into the Downs, and from or by Orfordness up the North Channel, and the Thames and Medway, was regulated by 5 Geo. II. c. 20.

The whole of these Acts, together with the 52 Geo.

* These exceptions are fully set out hereafter.

III. c. 39, which gave certain additional powers and authorities to the Trinity House, and the 55 Geo. III. c. 87, which relieved certain foreign Vessels resorting to the port of London from, and regulated the mode of payment of, pilotage on foreign Vessels in the said port, were repealed by the 6 Geo. IV. c. 125.

No important alteration in the law as it existed under that Act took place until the passing of the Act 12 & 13 Vict. c. 88, which allowed Masters and Mates of Merchant Vessels, after passing an examination, to pilot such Vessels within the limits in regard to which they had passed their examination. And this Act was followed by the 16 & 17 Vict. c. 129, which accomplished the union of the Trinity House and Cinque Port pilots, and authorised the Trinity House to license pilots for the passage inwards, from or by Dungeness, up the Rivers Thames and Medway to London Bridge and Rochester, as well as outwards; repealed that portion of the Act 6 Geo. IV. c. 125, as related to Cinque Port pilots, and further enacted that all byelaws, rules, orders, regulations, or ordinances thereafter made by the Trinity House, in exercise of the powers contained in the Act 6 Geo. IV. c. 125, or that Act, should be submitted to Her Majesty in Council for approval, and should, if so approved, but not otherwise, have the force and effect of law.

By virtue of this enactment, on the 18th February

1854, Her Majesty, by an order in Council, approved of a byelaw made by the Trinity House for the purpose of extending the exemptions then existing under the provisions of the 59th section of 6 Geo. IV. c. 125.

The object of this byelaw was for the purpose of applying such exemptions to Vessels coming up by the South Channels as well as the North; for by an error in the Roll the Act was made to refer only to Vessels coming up by the North Channels, and it so remained until the order in Council referred to above.

Such was the state of the law until the passing of two Acts, namely, the Merchant Shipping Act, 1854 (17 & 18 Vict. c. 104), and the Merchant Shipping Repeal Act, 1854 (17 & 18 Vict. c. 120), both of which, so far as they relate to the subject before us, came into operation on the 1st May 1855.

And first, as to the Repeal Act, it was provided that such repeal should not affect any byelaw or regulation duly made under any enactment thereby repealed; and the same should continue in force, but should be subject to such provisions of the Merchant Shipping Act, 1854, as were applicable thereto respectively. The Act then repealed the whole of the 6 Geo. IV. c. 125, and the Amendment Act of 9 Geo. IV. c. 86, to which it has not been necessary to refer at any length; the whole of

the 12 & 13 Vict. c. 88, and the whole of the 16 & 17 Vict. c. 129, except Sections 3, 4, 5, 8, 10, 11, 12 and 13, and part of Section 9. These sections particularly refer to the status and position of Cinque Port pilots, and have no bearing upon the question to be discussed here, excepting that they keep alive the right of pilots to pilot Vessels inwards, within the limits of their licence, as well as outwards.

The Merchant Shipping Act, 1854, as its name implies, was intended to be a re-enactment of several statutes, more particularly referring to Merchant Shipping; and the fifth part of the Act is devoted to the regulations as to pilotage, and applies to the United Kingdom only; and the sections bearing upon the jurisdiction of pilotage authorities, and which govern the London Trinity House, and the navigation of the Thames and Medway, will be found set out almost at length, in order that a fair estimation of the intentions of the Legislature may be arrived at.

And first, it must be remarked that by the interpretation clauses of the Act, the following terms have the respective meanings hereinafter assigned to them, namely:—

“The Board of Trade” shall mean the Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations :

- “The Trinity House” shall mean the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided Trinity, and of St Clement in the Parish of Deptford Strond, in the County of Kent, commonly called the Corporation of the Trinity House of Deptford Strond :
- “Pilotage Authority” shall include all bodies and persons authorised to appoint or license Pilots, or to fix or alter Rates of Pilotage, or to exercise any jurisdiction in respect of Pilotage :
- “Pilot” shall mean any person not belonging to a Ship who has the conduct thereof :
- “Qualified Pilot” shall mean any person duly licensed by any Pilotage Authority to conduct Ships to which he does not belong :
- “Master” shall include every person (except a Pilot) having command or charge of any Ship :
- “Ship” shall include every description of Vessel used in navigation, not propelled by Oars :
- “Foreign-going Ship” shall include every Ship employed in trading, or going between some place or places in the United Kingdom, and some place or places situate beyond the following limits ; that is to say, the Coasts of the United Kingdom, the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and *Man*, and the Continent of *Europe* between the River *Elbe* and *Brest* inclusive :
- “Home-trade Ship” shall include every Ship employed in trading or going within the following limits ; that is to say, the United Kingdom, the Islands of *Guernsey*, *Jersey*, *Sark*, *Alderney*, and *Man*, and the Continent of *Europe* between the River *Elbe* and *Brest* inclusive :
- “Home-trade Passenger Ship” shall mean every Home-trade Ship employed in carrying Passengers :

With this interpretation before him, the reader will be able to more readily understand the sections it will be necessary to quote, and which are as follow :—

Powers of Pilotage Authorities (General.)

SEC. 331. Every Pilotage Authority shall retain all powers and jurisdiction which it now lawfully possesses, so far as the same are consistent with the provisions of this Act; but no law relating to such Authority, or to the Pilots licensed by it, and no Act done by such Authority, shall, if inconsistent with any provision of this Act, be of any force whatever.

SEC. 332. Every Pilotage Authority shall have power, by Byelaw made with the consent of Her Majesty in Council, to exempt the Masters of any Ships, or of any classes of Ships, from being compelled to employ qualified Pilots, and to annex any terms or conditions to such exemptions, and to revise and extend any exemptions now existing by virtue of this Act, or any other Act of Parliament, Law, or Charter, or by usage, upon such terms and conditions and in such manner as may appear desirable to such Authority.

SEC. 333. Subject to the provisions contained in the Fifth Part of this Act, it shall be lawful for every Pilotage Authority, by Byelaw made with the consent of Her Majesty in Council, from time to time to do all or any of the following things within its Districts; that is to say—

- (1.) To determine the Qualifications to be required from persons applying to be licensed as Pilots, whether in respect of their age, skill, time of service, character, or otherwise:
- (2.) To make Regulations as to the approval and licensing of Pilot Boats and Ships:
- (3.) To make Regulations for the government of the Pilots licensed by them, and for insuring their good conduct, and their constant attendance to and effectual performance of their duty, either at sea or on shore:
- (4.) To fix the terms and conditions of granting Licences to Pilots and Apprentices, and of granting such Pilotage Certificates as hereinafter mentioned to Masters and Mates, and to make Regulations for punishing any breach of such Regulations as aforesaid committed by such Pilots or Apprentices or by such Masters and Mates by the withdrawal or suspension

of their Licences or Certificates, as the case may be, or by the infliction of Penalties to be recoverable summarily :

- (5.) To fix the rates and prices or other remuneration to be demanded and received for the time being by Pilots licensed by such Authority, or to alter the mode of remunerating such Pilots, in such manner as such Authority may, with such consent as aforesaid, think fit, so that no higher rates or prices be demanded or received from the Masters or Owners of Ships in the case of the *Trinity House* than the rates and prices specified in the Table marked U in the Schedule to the Act : *
- (6.) To arrange the limits of Pilotage Districts :
- (7.) To establish funds for the relief of superannuated or infirm qualified Pilots, or of their Wives, Widows, or Children :
- (8.) To repeal or alter any Byelaw made in exercise of the above powers, and to make a new Byelaw or new Byelaws in lieu thereof :

And every Byelaw duly made by any Pilotage Authority, in exercise of the powers hereby given to it, shall be valid and effectual, notwithstanding any Act of Parliament, Rule, Law, or Custom to the contrary.

SECS. 334 and 335 regulate the publication of Byelaws, and direct that the same shall be laid before both Houses of Parliament as soon as possible after the making thereof.

SEC. 336. Power of appeal given to qualified Pilots to Board of Trade.

SECS. 337, 338, and 339 regulate the returns to be delivered by Pilotage Authorities to the Board of Trade.

Licensing of Masters and Mates (General).

SEC. 340. The Master or Mate of any Ship may, upon giving due notice, and consenting to pay the usual expenses, apply to any Pilotage Authority to be examined as to his capacity to pilot the Ship of which he is Master or Mate, or any one or more

* Table U, so far as it relates to the River Thames, will be found set out in the Appendix, p. 62. ●

Ships belonging to the same Owner, within any part of the District over which such Pilotage Authority has jurisdiction; and such Master or Mate shall, if such Authority thinks fit, thereupon be examined; and if found competent, a Pilotage Certificate shall be granted to him, containing his Name, a Specification of the Ship or Ships in respect of which he has been examined, and a description of the limits within which he is to pilot the same, such limits to be within such jurisdiction as aforesaid; and such Certificate shall enable the person therein named to pilot the Ship or any of the Ships therein specified, of which he is acting as Master or Mate at the time, but no other, within the limits therein described, without incurring any Penalties for the non-employment of a qualified Pilot.*

* The Master or Mate, under an order issued by the authority of the Trinity House, is now qualified to pilot any other Ship or Ships belonging to the same owner as the Ship or Ships for which his Certificate was granted, within the limits described in such Certificate, without being compelled to employ a pilot, on the following conditions:—

“That the Ship or Ships which he is so qualified to pilot shall be of no greater Draught of Water than the Ship or Ships in respect of which his Certificate was granted.

“And that the name and description of every Ship which he is so qualified to pilot shall have been by or with the consent of the Trinity House first added to or endorsed upon his Certificate.”

It should be also remembered that if a Master or Mate possessing a Certificate has occasion to employ a pilot to assist him, it must be a duly licensed and not an unlicensed pilot.—*Beilby v. Scott*, 7 M. and W., p. 101.

A Certificate purporting to enable a Master to pilot his Vessel within certain waters, was signed and sealed by the pilotage authority, and was lying in the office to be called for by the Master, but he had not applied for it, and was ignorant that it would be given to him on application. Held that the Certificate was not “granted to the Master,” nor “possessed” by him within Sections 340 and 353 of the Act, so as to enable him to pilot his Vessel in the specified waters.—*The Killarney*, Lushington, p. 427.

SEC. 341. The Pilotage Certificate so granted shall not be in force for more than one year, unless the same is renewed, which may from time to time be done by an indorsement under the hand of the Secretary or other proper Officer of the Authority by whom such Certificate was granted.

SEC. 342. If upon complaint to the Board of Trade it appear to such Board that any such Authority as aforesaid has, without reasonable cause, refused or neglected to examine any Master or Mate who has applied to them for the purpose, or after he has passed the examination has, without reasonable cause, refused or neglected to grant him a Pilotage Certificate, or that the examination of any such Master or Mate has been unfairly or improperly conducted, or that any terms imposed or sought to be imposed by such Authority are unfair or improper, or that any Pilotage Certificate granted by such Authority has been improperly withdrawn, the Board of Trade may, if in its judgment the circumstances appear to require it, appoint persons to examine such Master or Mate, and if he is found competent, may grant him a Pilotage Certificate, containing the same particulars as would have been inserted in any Certificate granted by such Pilotage Authorities as aforesaid, upon such terms and conditions, and subject to such Regulations, as such Board may think fit; and such Certificate shall have the same effect as if it had been granted by such Pilotage Authority as aforesaid; and such Certificate shall be in force for one year, and may be renewed from year to year, either by the said Authorities in manner hereinbefore mentioned, or by the Board of Trade, if such Board thinks fit, such renewal to be indorsed on the said Certificate, either by such person as the Board of Trade may appoint for the purpose, or in manner hereinbefore provided as to Certificates granted by any Pilotage Authority.

SEC. 343. All Masters or Mates to or for whom any such Pilotage Certificates as aforesaid are granted or renewed by any Pilotage Authority shall pay to such Authority, or as it directs, such fees upon their respective Certificates, and upon the Renewals thereof, as are from time to time fixed for that purpose

by such Authority, with the consent of the Board of Trade ; and all Masters and Mates to or for whom any such Certificates are granted or renewed by the Board of Trade shall pay to such Board, or as it directs, such fees upon their Certificates and upon the Renewals thereof as may be fixed by such Board, so nevertheless that in the case of Pilotage Certificates granted or renewed by the Board of Trade, such fees shall in no case be less than the fees payable by the qualified Pilots in the same District upon their Licences and the Renewal thereof ; and such fees shall in the case of Certificates and Renewals granted by Pilotage Authorities be applicable either to paying the expense of the Examinations, or any other general expenses connected with Pilotage incurred by such Authorities, or to the Pilots' Superannuation Fund of the District (if any), or otherwise for the benefit of the Pilots appointed by such Authorities, as such Authorities think fit ; and such fees shall in the case of Pilotage Certificates granted or renewed by the Board of Trade be applicable to the expense of the examinations, and the surplus (if any) shall be applied for the benefit of the qualified Pilots of the Port or District to which such Certificates apply, in such manner as such Board thinks fit.

SEC. 344. If at any time it appears to the Board of Trade, or to any Pilotage Authority, that any Master or Mate to whom a Pilotage Certificate has been granted by such Board or Authority has been guilty of misconduct, or has shown himself incompetent to pilot his Ship, such Board or such Authority (as the case may be) may thereupon withdraw his Certificate, and such Certificate shall thenceforth cease to be of any effect whatever.

SECS. 345, 346, 347, and 348 apply to Pilot Boats.

Pilot Licences (General).

SEC. 349. Every qualified Pilot, on his appointment, shall receive a Licence, containing his Name and usual place of abode, together with a description of his person, and a specification of the limits within which he is qualified to act : And it shall be the duty of the principal Officer of Customs at the place at or

nearest to which any qualified Pilot may reside, upon his request, to register his Licence ; and no qualified Pilot shall be entitled to act as such until his Licence is so registered ; and any qualified Pilot acting beyond the limits for which he is qualified by his Licence shall be considered as an unqualified Pilot.

SEC. 350. Every qualified Pilot shall, upon receiving his Licence, be furnished with a Copy of such part of this Act as relates to Pilotage, together with a copy of the Rates, Byelaws, and Regulations established within the District for which he is licensed ; and he shall produce such copies to the Master of any Ship, or other person employing him, when required to do so, under a Penalty, in case of default, not exceeding Five Pounds.

SEC. 351. Every qualified Pilot, while acting in that capacity, shall be provided with his Licence, and produce the same to every person by whom he is employed, or to whom he tenders his services as Pilot ; and if he refuses to do so at the request of such person, he shall incur for each offence a Penalty not exceeding Ten Pounds, and shall be subject to suspension or dismissal by the Pilotage Authority by whom he is licensed.

SEC. 352. Every qualified Pilot, when required by the Pilotage Authority who appointed him, shall produce or deliver up his Licence ; and on the death of any qualified Pilot, the person into whose hands his Licence happens to fall, shall without delay transmit the same to the Pilotage Authority who appointed the deceased Pilot ; and any Pilot or person failing to comply with the provisions of this Section shall incur a penalty not exceeding Ten Pounds.

Compulsory Pilotage (General.)

SEC. 353. Subject to any alteration to be made by any Pilotage Authority in pursuance of the power hereinbefore in that behalf given, the employment of Pilots shall continue to be compulsory in all Districts in which the same was by law compulsory immediately before the time when this Act comes into operation ; and all exemptions from compulsory Pilotage then existing within such Districts shall also continue in force ; and every Master of any unexempted Ship navigating within any such District who,

after a qualified Pilot has offered to take charge of such Ship or has made a Signal for that purpose, either himself pilots such Ship without possessing a Pilotage Certificate enabling him so to do, or employs or continues to employ an unqualified person to pilot her, and every Master of any exempted Ship navigating within any such District who, after a qualified Pilot has offered to take charge of such Ship or has made a signal for that purpose, employs or continues to employ an unqualified Pilot to pilot her, shall for every such Offence incur a Penalty of double the amount of Pilotage demandable for the conduct of such Ship.*

SEC. 354. The Master of every Ship carrying Passengers between any place situate in the United Kingdom, or the Islands of *Guernsey, Jersey, Sark, Alderney, and Man*, and any other place so situate, when navigating upon any Waters situate within the limits of any District for which Pilots are licensed by any Pilotage Authority under the provisions of this or of any other Act, or upon any part thereof so situate, shall, unless he or his Mate has a Pilotage Certificate, enabling such Master or Mate to pilot the said Ship within such District, granted under the provisions hereinbefore contained, or such Certificate as next hereinafter mentioned, being a Certificate applicable to such District and to such Ship, employ a qualified Pilot to pilot his Ship; and if he fails so to do, he shall for every offence incur a Penalty not exceeding One Hundred Pounds.†

SEC. 355. Any Master or Mate of a Ship which by the last preceding Section is made subject to compulsory Pilotage may apply to the Board of Trade for a Certificate, and the Board of Trade shall thereupon, on satisfactory proof of his having continuously piloted any Ship within the limits of any Pilotage District, or of any part or parts thereof for two years prior to the commencement of this Act, or upon satisfactory proof by examination of his competency, or otherwise, as it may deem expedient, cause to be granted to him, or to be indorsed on any Certificate

* See note to Section 340, *ante*.

† See Order in Council of 1st May 1855, *post*.

of competency or service obtained by him under the third Part of this Act, a Certificate to the effect that he is authorised to pilot any Ship or Ships belonging to the same Owner, and of a Draught of Water not greater than such Draught as may be specified in the Certificate within the limits aforesaid ; and the said Certificate shall remain in force for such time as the Board of Trade directs, and shall enable the Master or Mate therein named to conduct the Ship or Ships therein specified within the limits therein described to the same extent as if the last preceding Section had not been passed, but not further or otherwise ; and every such Master or Mate shall, upon applying for such Certificate or for any renewal thereof, pay to the Board of Trade, or as it directs, such fees not exceeding the fees payable on an examination for a Master's Certificate of competency under the third Part of this Act as the Board of Trade directs ; and such fees shall be applied in the same manner in which the fees payable on such last-mentioned examination are made applicable.

Rights, Privileges, and Remuneration of Pilots (General.)

SEC. 356. If any Boat or Ship having a qualified Pilot on board, leads any Ship which has not a qualified Pilot on board, when such last-mentioned Ship cannot from particular circumstances be boarded, the Pilot so leading such last-mentioned Ship shall be entitled to the full Pilotage for the distance run as if he had actually been on board and had charge of such Ship.

SEC. 357. No Pilot, except under circumstances of unavoidable necessity, shall without his consent be taken to Sea or beyond the limits for which he is licensed in any Ship whatever ; and every Pilot so taken under circumstances of unavoidable necessity or without his consent shall be entitled, over and above his Pilotage, to the sum of Ten Shillings and Sixpence a day, to be computed from and inclusive of the day on which such Ship passes the limit to which he was engaged to pilot her, up to and inclusive of the day of his being returned in the said Ship to the place where he was taken on board, or up to and inclusive of such day as will allow him, if discharged from the Ship, sufficient

time to return thereto ; and in such last-mentioned case he shall be entitled to his reasonable travelling expenses.

SEC. 358. Any qualified Pilot demanding or receiving, and also any Master offering or paying to any Pilot, any other rate in respect of Pilotage services, whether greater or less, than the Rate for the time being demandable by Law, shall for each offence incur a Penalty not exceeding Ten Pounds.*

SEC. 359. If any Master on being requested by any qualified Pilot having the charge of his Ship to declare her Draught of Water, refuses to do so, or himself makes or is privy to any other person making a false Declaration to such Pilot as to such Draught,

* By the 9th section of the Merchant Shipping Act, 1872, 35 & 36 Vict. c. 73, it was enacted that the Trinity House might, by bye-law made with the sanction of Her Majesty in Council, repeal or relax the provisions of the 358th section of the Merchant Shipping Act, 1854, within the whole or any part of their district, so far as to allow any pilot or class of pilots under their jurisdiction to demand or receive, and any master to offer or pay any rate less than the rate for the time being demandable by law :

The Trinity House, having deemed it expedient to relax the provisions of the section, in respect of pilotage services on the River Thames between London Bridge and Gravesend, submitted for the sanction of Her Majesty in Council the following bye-law (that is to say) :

“From and after the 1st day of January 1873, no pilot licensed by the Trinity House for the River Thames between Gravesend and London Bridge only, shall incur any penalty for demanding or receiving, in respect of the pilotage within the limits aforesaid, of any ship exempted from compulsory pilotage any rate less than the rate for the time being demandable by law in respect of such ship, and no master of any such ship shall incur any penalty for offering or paying, in respect of the pilotage of any such ship within the limits aforesaid, any rate less than the rate for the time being demandable by law in respect of such ship, anything contained in the 358th section of ‘The Merchant Shipping Act, 1854,’ to the contrary notwithstanding :”

Such bye-law was, on the 5th day of February 1873, approved by Her Majesty in Council, and the above section is therefore modified so far as it relates to pilotage services in the River Thames of exempted ships

he shall incur a Penalty for every such offence not exceeding double the amount of Pilotage which would have been payable to the Pilot making such request; and if any Master or other person interested in a Ship makes or is privy to any other person making any fraudulent alteration in the marks on the Stern or Stem Post of such Ship denoting her Draught of Water, the Offender shall incur a penalty not exceeding Five hundred Pounds.

SEC. 360. A qualified Pilot may supersede an unqualified Pilot, but it shall be lawful for the Master to pay to such unqualified Pilot a proportionate sum for his services, and to deduct the same from the charge of the qualified Pilot; and in case of dispute the Pilotage Authority by whom the qualified Pilot is licensed shall determine the proportionate sums to which each party is entitled.

SEC. 361. An unqualified Pilot assuming or continuing in the charge of any Ship after a qualified Pilot has offered to take charge of her, or using a Licence which he is not entitled to use for the purpose of making himself appear to be a qualified Pilot, shall for each offence incur a Penalty not exceeding Fifty Pounds.

SEC. 362. An unqualified Pilot may, within any Pilotage District, without subjecting himself or his employer to any Penalty, take charge of a Ship as Pilot under the following circumstances; that is to say,

When no qualified Pilot has offered to take charge of such Ship, or made a signal for that purpose; or

When a Ship is in distress or under circumstances making it necessary for the Master to avail himself of the best assistance which can be found at the time; or

For the purpose of changing the Moorings of any Ship in Port, or of taking her into or out of any Dock, in cases where such Act can be done by an unqualified Pilot without infringing the Regulations of the Port or any Orders which the Harbour Master is legally empowered to give.

SEC. 363. The following persons shall be liable to pay Pilotage Dues for any Ship for which the services of a qualified Pilot are obtained; (that is to say,) the Owner or Master, or such

Consignees or Agents thereof as have paid or made themselves liable to pay any other charge on account of such Ship in the port of her arrival or discharge, as to Pilotage inwards, and in the port from which she clears out as to Pilotage outwards ; and in default of payment such Pilotage Dues may be recovered in the same manner as Penalties of the like amount may be recovered by virtue of this Act ;* but such recovery shall not take place until a previous demand thereof has been made in Writing, and the Dues so demanded have remained unpaid for seven days after the time of such demand being made.

SEC. 364. Every Consignee and Agent (not being the Owner or Master) hereby made liable for the payment of Pilotage Dues in respect of any Ship may, out of any monies in his hands received on account of such Ship or belonging to the Owner thereof, retain the amount of all Dues so paid by him, together with any reasonable expenses he may have incurred by reason of such payment or liability.

Offences of Pilots (General).

SEC. 365. If any qualified Pilot commits any of the following Offences, (that is to say,)

- (1.) Keeps himself, or is interested in keeping by any agent, servant, or other person, any Public House or place of Public Entertainment, or sells or is interested in selling any Wine, Spirituous Liquors, Tobacco, or Tea ;
- (2.) Commits any fraud or other Offence against the Revenues of Customs or Excise or the Laws relating thereto ;
- (3.) Is in any way directly or indirectly concerned in any corrupt practices relating to Ships, their tackle, furniture, cargoes, crews, or passengers, or to persons in distress at sea or by shipwreck, or to their monies, goods, or chattels ;

* Penalties are recoverable by distress in default of payment under order of Justices. Section 523, Part X. 17 & 18 Vict. c. 104.

- (4.) Lends his Licence ;
- (5.) Acts as Pilot whilst suspended ;
- (6.) Acts as Pilot when in a state of intoxication ;
- (7.) Employs or causes to be employed on board any Ship of which he has the charge, any boat, anchor, cable, or other store, matter, or thing beyond what is necessary for the service of such Ship, with the intent to enhance the expenses of Pilotage for his own gain or for the gain of any other person ;
- (8.) Refuses or wilfully delays, when not prevented by illness or other reasonable cause, to take charge of any Ship within the limits of his Licence upon the signal for a Pilot being made by such Ship, or upon being required to do so by the Master, Owner, Agent, or Consignee thereof, or by any Officer of the Pilotage Authority by whom such Pilot is licensed, or by any principal Officer of Customs ;
- (9.) Unnecessarily cuts or slips or causes to be cut or slipped any cable belonging to any Ship ;
- (10.) Refuses, on the request of the Master, to conduct the Ship of which he has the charge into any Port or Place into which he is qualified to conduct the same, except on reasonable ground of danger to the Ship ;
- (11.) Quits the Ship of which he has the charge, without the consent of the Master, before the service for which he was hired has been performed ;

He shall for each such Offence, in addition to any liability for damages at the suit of the person aggrieved, incur a Penalty not exceeding One hundred Pounds, and be liable to suspension or dismissal by the Pilotage Authority by whom he is licensed ; and every person who procures, abets, or connives at the commission of any such Offence shall likewise, in addition to any such liability for damages as aforesaid, incur a Penalty not exceeding One hundred Pounds, and, if a qualified Pilot, shall be liable to suspension or dismissal by the Pilotage Authority by whom he is licensed.

SEC. 366. If any Pilot, when in charge of any Ship, by wilful

breach of duty or by neglect of duty, or by reason of drunkenness, does any Act tending to the immediate loss, destruction, or serious damage of such Ship, or tending immediately to endanger the life or limb of any person on board such Ship; or if any Pilot, by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such Ship from loss, destruction, or serious damage; or for preserving any person belonging to or on board of such Ship from danger to life or limb; the Pilot so offending shall for each such offence be deemed guilty of a Misdemeanor, and, if a qualified Pilot, also be liable to suspension and dismissal by the Authority by which he is licensed.

SEC. 367. If any person, by wilful misrepresentation of circumstances upon which the safety of a Ship may depend, obtains or endeavours to obtain the charge of such Ship, such person, and every other person procuring, abetting, or conniving at the commission of such Offence, shall, in addition to any liability for damages at the suit of the party aggrieved, incur a Penalty not exceeding One hundred Pounds, and if the Offender is a qualified Pilot, he shall also be liable to suspension or dismissal by the Pilotage Authority by which he is licensed.

General Power of Trinity House.

SEC. 368. The *Trinity House* may, in exercise of the general power herein-before given to all Pilotage Authorities of doing certain things in relation to Pilotage matters, alter such of the provisions herein-after contained as are expressed to be subject to alteration by them in the same manner and to the same extent as they might have altered the same if such provisions had been contained in any previous Act of Parliament instead of in this Act.

Sub-Commissioners and Pilots (Trinity House.)

SEC. 369. Gives power to the *Trinity House* to appoint Sub-Commissioners.

SEC. 370. The *Trinity House* shall continue, after due Examination by themselves or their Sub-Commissioners, to appoint and license under their Common Seal Pilots for the purpose of conducting Ships within the limits following or any portion of such limits ; (that is to say,)

- (1.) "The *London District*," comprising the Waters of the *Thames* and *Medway* as high as *London Bridge* and *Rochester Bridge* respectively, and also the Seas and Channels leading thereto or therefrom as far as *Orfordness* to the North and *Dungeness* to the South ; so nevertheless, that no Pilot shall be hereafter licensed to conduct Ships both above and below *Gravesend* :
- (2.) "The *English Channel District*," comprising the Seas between *Dungeness* and the *Isle of Wight* :
- (3.) "The *Trinity House* Outport Districts," comprising any Pilotage District for the appointment of Pilots within which no particular provision is made by any Act of Parliament or Charter.

SEC. 371. Subject to any alteration to be made by the *Trinity House*, the names of all Pilots licensed by the *Trinity House* shall be published in manner following ; (that is to say,)

- (1.) The *Trinity House* shall at their House in *London* fix up a notice specifying the name and usual place of abode of every Pilot so licensed, and the limits within which he is licensed to act :
- (2.) The *Trinity House* shall transmit a copy of such notice to the Commissioners of Customs in *London*, and to the principal Officers of Customs resident at all Ports within the limits for which such Pilot is licensed ; and such notice shall be posted up by the Commissioners at the Custom House in *London*, and by such Officers at the Custom Houses of the Ports at which they are respectively resident.

SEC. 372. Subject to any alteration to be made by the *Trinity House*, every *Trinity House* Pilot on his appointment shall execute a Bond for One hundred Pounds conditioned for the due observance on his part of the Regulations and Bye-laws of the *Trinity*

House, such Bond to be free from Stamp duty, and from any other charge except the actual expense for preparing the same.*

* The form of Bond at present taken from Pilots on a licence being granted to them is as follows :—

Know all Men by these Presents,

That I, _____ of _____, Mariner, am held and firmly bound to the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood, of the most glorious and undivided Trinity, and of St Clement, in the parish of Deptford Strond, in the county of Kent, commonly called the Corporation of Trinity House, of Deptford Strond, their Successors and Assigns, in the full sum of One Hundred Pounds of lawful money of Great Britain, to be well and truly paid to the said Master, Wardens, and Assistants, their Successors or Assigns, upon demand, and for the due and punctual payment whereof I bind myself, my Heirs, Executors, and Administrators, and every of them, firmly by these presents. Sealed with my Seal.

Dated this _____ day of _____ in the year of our Lord 18 _____

WHEREAS the above bounden _____ hath applied to the said Corporation of Trinity House, of Deptford Strond, for a Licence to act as a Pilot, under, and by virtue of, an Act of Parliament, intituled, "The Merchant Shipping Act, 1854," and the said _____ after due examination, having been found a fit and competent person, duly skilled in that behalf, and being thereupon about to receive a licence from the said Corporation to act as a Pilot, hath agreed to execute the above-written Bond or Obligation in conformity with the directions of the said Act. Now the condition of the above-written Bond or Obligation is such, that if the above bounden _____ do and shall from time to time, and at all times hereafter, well and truly in all things yield true obedience to all and every the Bye-laws, Rules, Orders, Regulations, and Ordinances of the said Corporation of Trinity House, of Deptford Strond, made in pursuance of any Act or Acts of Parliament heretofore passed, or which shall be made pursuant to the said Act herein before mentioned. Then the above-written Bond or Obligation shall be void, but otherwise the same shall be and remain in full force and virtue.

SEC. 373. No qualified Pilot who has executed such Bond as is herein-before mentioned shall be liable for neglect or want of skill beyond its Penalty and the amount of Pilotage payable to him in respect of the Voyage on which he is engaged.*

SEC. 374. Subject to any alteration to be made by the *Trinity House*, no Licence granted by them shall continue in force beyond the Thirty-first day of *January* next ensuing the date of such Licence, but the same may, upon the application of the Pilot holding such Licence, be renewed on such Thirty-first day of *January* in every year, or any subsequent day, by indorsement under the hand of the Secretary of the *Trinity House*, or such other person as may be appointed by them for that purpose.

SEC. 375. The *Trinity House* shall have power to revoke or suspend the Licence of any Pilot appointed by them, in such manner and at such time as they think fit.

Compulsory Pilotage (Trinity House.)

SEC. 376. Subject to any alteration to be made by the *Trinity House*, and to the Exemptions herein-after contained, the Pilotage Districts of the *Trinity House* within which the employment of

* It has been argued that the Bond so given by the Pilot is taken by the licensing body for the enforcement of the regulations and bye-laws, and not as a bar to claim for damages by third persons against pilots. The Courts, however, pursuant to the above section, have decided that pilots are liable only to the extent of their bond, and the amount of pilotage payable to them in respect of the voyage on which they are engaged.

The Court of Admiralty has also decided that it has no jurisdiction generally or under the provisions of the Admiralty Court Act, 1861 (24 Vict. c. 10, sec. 7), to enforce a claim against a Pilot for damage by collision caused by him while employed as a Pilot. Nor has it jurisdiction to pronounce the Bond, given by the Pilot, forfeited, to make good a damage caused by the negligence of such Pilot—the Bond being given to the Trinity House as security to them only. The *Urania*, 5 L. T. (N. S.), p. 402. 10 Weekly Rep., p. 97. The remedy is by proceedings against the Pilot at Common Law, *Lawson and another v. Dumlin*, 14 L. T., p. 350.

Pilots is compulsory are the *London* District, and the *Trinity House* Outport Districts, as herein-before defined ; and the Master of every Ship navigating within any part of such District or Districts, who, after a qualified Pilot has offered to take charge of such Ship, or has made a signal for that purpose, either himself pilots such Ship without possessing a Certificate enabling him so to do, or employs or continues to employ an unqualified person to pilot her, shall for every such Offence, in addition to the Penalty herein-before specified, if the *Trinity House* certify in writing under their Common Seal that the Prosecutor is to be at liberty to proceed for the recovery of such additional Penalty, incur an additional penalty not exceeding Five Pounds for every Fifty Tons burden of such Ship.

SECS. 377 and 378. Regulate the supply of Pilots at Dungeness.

SEC. 379. The following Ships, when not carrying Passengers, shall be exempted from compulsory Pilotage in the *London* District, and in the *Trinity House* Outport Districts ; (that is to say,)

(1.) Ships employed in the Coasting Trade of the United Kingdom :

(2.) Ships of not more than Sixty Tons Burden :

(3.) Ships trading to *Boulogne* or to any Place in *Europe* North of *Boulogne* :

(4.) Ships from *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, which are wholly laden with Stone being the produce of those Islands :

(5.) Ships navigating within the limits of the Port to which they belong :

(6.) Ships passing through the limits of any Pilotage District on their Voyages between two places both situate out of such limits, and not being bound to any place within such limits nor anchoring therein.*

* See orders in Council of 16th July 1857, and 21st December 1871, post.

This Section has been the subject of discussion in several cases, first, as to what Ships are included in Sub-Section 1 under the definition of Ships employed in the Coasting Trade of the United Kingdom ;

Rates of Pilotage (Trinity House).

SEC. 380. Subject to any alteration to be made by the *Trinity House*, there shall continue to be paid to all *Trinity House* Pilots, in respect of their Pilotage Services, such dues as are immediately before the time when this Act comes into operation payable to them in respect of such services.

SEC. 381. Subject to any alteration to be made by the *Trinity House*, and notwithstanding anything herein-before contained, there shall be paid in respect of all Foreign Ships trading to and from the Port of *London*, and not exempted from Pilotage, the following Pilotage dues; that is to say, as to Ships inwards, the full amount of dues for the distance piloted, and as to Ships outwards, the full amount of dues for the distance required by Law; and payment of such Pilotage dues shall be made to the Collector of Customs in the Port of *London* by some one or more of the following persons, that is to say, the Master or other person having the charge of such Ship, or the Consignees or Agents thereof who have paid or made themselves liable to pay any other charge for such Ship in the said Port of *London*; and such Pilotage may be recovered in the same manner as other Pilotage dues are herein-before declared to be recoverable.

and it has been held that a Foreign-going Vessel, casually employed in taking a cargo from Liverpool to London, is not a Ship "employed in the Coasting Trade of the United Kingdom," within the meaning of the Section and order, and therefore while so employed, is compellable to take a pilot. The *Lloyds*, otherwise *Sea Queen*, Browning and Lushington, p. 359, and the *Agricola* making a similar voyage in Ballast, 2 W. Rob. p. 10.

And again as to Sub-Section 3, in the case of the *Wesley*, Lush., p. 268, where the Court of Admiralty held that the Section and order must be interpreted to cover inward as well as outward Voyages, and that a Vessel not carrying passengers on a Voyage from Cronstadt to London is exempted from compulsory pilotage in the River Thames. In the case of the *Hanna* 1 Law Reports (Admiralty cases) p. 283, the exemption was held to apply to Norwegian and Swedish Ships when not carrying passengers.

SEC. 382. Subject to any alteration to be made by the *Trinity House*, the said Collector of Customs shall, on receiving any Pilotage dues in respect of Foreign Ships, give to the person paying the same a receipt in writing ; and no Officer of Customs in the port of *London* shall grant a Clearance or Transire for any such Foreign Ship as aforesaid without the production of such receipt ; and if any such Ship attempts to go to Sea without such Clearance or Transire, any such Officer may detain her until the said receipt is produced.

SEC. 383. Subject to any alteration to be made by the *Trinity House*, the said Collector shall pay over to the *Trinity House* the Pilotage dues received by him in respect of any Foreign Ship ; and the *Trinity House* shall apply the same in manner following :

In the first place, in paying to any Pilot who may bring sufficient proof of his having had the charge of such Ship such dues as would have been payable to him for such Pilotage Service if the Ship had been a *British* Ship, after deducting therefrom the Poundage due to the *Trinity House* :

In the second place, in paying to any unlicensed person who may bring sufficient proof of his having, in the absence of a licensed Pilot, had the charge of such Ship, such amount as the *Trinity House* may think proper, not exceeding the amount which would under similar circumstances have been payable to a licensed Pilot, after deducting Poundage :

And, lastly, shall pay over to the *Trinity House* Pilots Fund the residue, together with all Poundage deducted as aforesaid.

SEC. 384. Whenever any difference arises between the Master and the qualified Pilot of any Ship trading to or from the Port of *London* as to her Draught of Water, the *Trinity House* shall upon application by either party, made, in case of a Ship inward-bound, within Twelve hours after her arrival or at some time before she begins to discharge her Cargo, and in the case of a Ship outward-bound before she quits her moorings, appoint some

proper Officer who shall measure the Ship, and settle the difference accordingly : And there shall be paid to the Officer measuring such Ship, by the party against whom he decides, the following sums ; (that is to say,) One Guinea if the Ship be below, and Half a Guinea if the Ship be above the Entrance of the *London Docks at Wapping*.

Pilot Fund (Trinity House).

SEC. 385. Subject to any alteration to be made by the *Trinity House*, there shall continue to be paid to them, and carried over to the *Trinity House* Pilot Fund, the sums of money following ; (that is to say,)

(1.) A Poundage of Sixpence in the Pound upon the Pilotage earnings of all Pilots licensed by the *Trinity House* :

(2.) A sum of Three Pounds Three Shillings to be paid on the First Day of *January* in every year by every Person licensed by the *Trinity House* to act as Pilot in any District not under the superintendence of Sub-Commissioners, or in any part of such District :

And any qualified Pilot giving a false account of his earnings, or making default in payment of any sum due from him under this Section, shall forfeit double the amount payable, and shall further be liable, at the discretion of the *Trinity House*, to suspension or dismissal.

SEC. 386. Regulates the application of the Fund.

SEC. 387. Empowers the Trinity Houses of Hull and Newcastle to appoint sub-commissioners.

Saving of Owners and Masters Rights.

SEC. 388. No Owner or Master of any Ship shall be answerable to any person whatever for any loss or damage occasioned by the fault or incapacity of any qualified Pilot acting in charge of such Ship, within any District where the employment of such Pilot is compulsory by Law.

Contemporaneous with the passing into Law of the

Merchant Shipping Act, 1854, an order in Council was made by Her Majesty bearing date the 1st May 1855, licensing certain Freemen of the Waterman's Company who had been in the habit of piloting Steam Passenger Ships up and down the River Thames between London Bridge and Gravesend. This order was as follows :—

Whereas by the 333rd section of the “Merchant Shipping Act, 1854,” it is enacted that, subject to the provisions contained in the fifth part of the Act, it shall be lawful for every Pilotage Authority by bye-law, made with the consent of Her Majesty in Council, amongst other things “to determine the qualifications to be required from persons applying to be licensed as Pilots,” and “to fix the terms and conditions of granting Licences to Pilots.”

And whereas it is expedient to make regulations to determine the qualifications to be required from persons so applying to be licensed, and to fix the terms and conditions of granting such Licences.

“And whereas, by the 354th section of the said recited Act, it is enacted that the Master of every Ship carrying Passengers between any place situate in the United Kingdom, or the Islands of Guernsey, Jersey, Sark, Alderney, and Man, and any other place so situate, when navigating upon any waters situate within the limits of any district for which Pilots are licensed by any Pilotage Authority, under the provisions of the said Act, or of any other Act, or upon any part thereof so situate, shall, unless he or his Mate has a Pilotage Certificate enabling such Master or Mate to pilot the said Ship within such district granted under the provisions of the said Act, or employ a qualified Pilot to pilot his Ship, and that if he fails to do so he shall for every offence incur a penalty not exceeding One Hundred Pounds.”

And whereas it has been made to appear to the Corporation of the Trinity House of Deptford Strond, being the Pilotage Authority for the Port of London, and the Seas and Channels

leading thereto, according to the meaning of the said recited Act, that certain persons, Freemen of London and of the Waterman's Company, have for a long period of time been employed in piloting Steam Passenger Ships up and down the River Thames, between London Bridge and Gravesend, without being duly licensed as Pilots by the said Pilotage Authority.

And whereas it has been resolved by the said Corporation of the Trinity House, that such a number of the said persons, being Freemen of the said Waterman's Company, as the Corporation shall from time to time see fit, shall be licensed as Pilots by the Corporation for the purpose of piloting "Home Trade" Steam Passenger Ships up and down the River Thames between London Bridge and Gravesend.

And whereas it has been deemed expedient that the qualification to be required from such last-named persons, and the terms and conditions of granting Licences to them should differ and be distinct from the qualification, terms, and conditions which apply to the appointing and licensing of Pilots for the general service within the said London District, and it is intended to designate such persons to be so licensed as "Watermen Pilots for Home Trade Steam Passenger Ships."

And whereas the said Corporation have submitted, for the consent of Her Majesty in Council, certain regulations (hereunto annexed), for the licensing of persons as Pilots; and whereas the said regulations appear to be proper and reasonable.

Now, therefore, Her Majesty, by virtue of the power vested in her by the said recited Act, and by and with the advice of Her Privy Council, is pleased to approve and doth hereby approve of the said regulations so submitted as aforesaid.

REGULATIONS.

First. All persons applying for Licenses as Pilots in the London District (except Freemen of the said Waterman's Company applying to be licensed for Home Trade Steam Passenger Ships), shall produce such certificates as shall be deemed satisfactory by

the Trinity House, previously to examination, as in the said Act provided, on the following points ; viz. :

- 1st. Their qualification by previous service, under the rule herein-after provided.
- 2nd. Their previous good conduct and habits of sobriety.
- 3rd. Their age ; and
- 4th. That they are in good health, and not afflicted with any bodily complaint or infirmity rendering them unfit properly to perform the duties of a Pilot, which last Certificate shall be under the hand of a duly authorised Medical Practitioner.

Second. No person shall be licensed as a Pilot for the London District (except Freemen of the said Waterman's Company), who shall have passed the age of 35 years, nor in the Trinity House Outport Districts, who shall have passed the like age, except under such especial circumstances as shall appear to the Trinity House to afford sufficient grounds for his appointment after that age.

Third. No person shall be licensed as a Pilot for the London District (except Freemen of the said Waterman's Company), who shall not have served as Mate for three years on board of, or shall not have been for one year in actual Command of, a Square-rigged Vessel of not less than 80 Tons Register Tonnage for the North Channel upwards ; and not less than 150 Tons Register Tonnage for the North Channel downwards, or for any of the South Channels, or who shall not have been employed in the Pilotage or Buoyage service of the said Trinity House for seven years, and have served, in addition thereto, for two years in a Square-rigged Vessel, or who shall not have served an apprenticeship of five years to some licensed Pilot Vessel, and shall also have served for two years in a Square-rigged Vessel.

Fourth. No person licensed as a Pilot for the London District (except Freemen of the said Waterman's Company, to be licensed as herein-after provided), shall take charge as such of any ship drawing more than Fourteen feet water, in the River Thames or Medway, or any of the Channels leading thereto or therefrom,

until such person shall have acted as a licensed Pilot for three years, and shall have been after such three years, on re-examination, approved of in that behalf by the said Trinity House, on pain of forfeiting Ten Pounds (£10) for every such Offence, unless there shall be no qualified Pilot to be obtained, who has passed the said examination for ships drawing more than Fourteen feet water.

Fifth. Every Pilot who, by the 385th section of the said "Merchant Shipping Act, 1854," is required to pay a sum of Three Pounds Three Shillings (£3, 3s.) to the Pilots' Fund, on the 1st of January in every year, shall, on receiving a Licence, pay a like sum of Three Pounds Three Shillings (£3, 3s.), and for every extension of such Licence a further sum of One Pound One Shilling (£1, 1s.) to the said Fund.

Sixth. Every Pilot who shall of his own accord relinquish his employment as such, or who shall be dismissed from the Service, shall not be entitled to a return of any sum or sums paid by him to the said Pilots' Fund, and shall forfeit all claim to any allowance therefrom.

Seventh. Any person, being a Freeman of the said Waterman's Company, who shall be able to prove to the satisfaction of the Trinity House, that he has piloted Steam Passenger Ships on the River Thames, between London Bridge and Gravesend, for a period of two years, or who shall have obtained his Freedom of the said Company, by servitude as Apprentice to any such Freeman employed in so piloting such Steam Passenger Ships, shall be deemed qualified, after examination as in the said Act provided, to be licensed as a Pilot for the navigation up and down the River Thames, between London Bridge and Gravesend, subject to the following terms and conditions; viz.:

1st. That such Licence shall authorise him to act as Pilot only on board Steam Passenger Ships, being "Home trade Ships," and no others; all pilots so licensed being intended to be designated "Watermen Pilots for Home Trade Steam Passenger Ships."

2nd. That such Licence shall not authorise him to supersede, in the charge of any Steam Passenger Ship, any other Pilot

duly licensed by the Trinity House, for the said navigation between London Bridge and Gravesend.

3rd. That he shall be subject to all Bye-laws, Rules, Orders, and Regulations made or hereafter to be made by the Trinity House, for the government of Pilots generally; and to all penalties thereby imposed and provided, unless specially exempted therefrom.

4th. That he shall pay the like sums of money as are payable by Pilots licensed for the London District, on their appointment, and on the annual renewal of their Licences; but shall not be required to pay to the Pilots' Fund the poundage of sixpence in the pound upon the pilotage earnings of Pilots licensed by the Trinity House, as provided by the 385th section of the said Act; nor shall he, nor his Widow, nor Children be entitled to any benefit from the said Pilots' Fund.

The next alteration in the Law by further extending the exemptions given by the 379th section of The Merchant Shipping Act, 1854, was made by an Order in Council, dated the 16th July 1857. This order, according to Dr Lushington, is inoperative, and imposes no new pilotage obligation, and adds no new exemption from compulsory pilotage, see p. 38. It is, however, here set out to render the subject complete. The order was as follows:—

Whereas by the 379th section of "The Merchant Shipping Act, 1854," it is enacted that the following ships, when not carrying passengers, shall be exempted from compulsory pilotage in the London District, and in the Trinity House Outport Districts (that is to say):—

"1. Ships employed in the coasting trade of the United Kingdom.

- "2. Ships of not more than 60 tons burthen.
- "3. Ships trading to Boulogne, or to any place in Europe north of Boulogne.
- "4. Ships from Guernsey, Jersey, Alderney, Sark, or Man, which are wholly laden with stone, being the produce of those islands.
- "5. Ships navigating within the limits of the port to which they belong.
- "6. Ships passing through the limits of any pilotage district, on their voyages between two places both situate out of such limits, and not being bound to any place within such limits, nor anchoring therein."

And whereas it is expedient that such ships as aforesaid, shall be exempted from compulsory pilotage as well when carrying passengers, as when not carrying passengers; and, by the 332nd section of the said Act, it is enacted that every pilotage authority shall have power by bye-law, made with the consent of Her Majesty in Council, to exempt the Masters of any ships, or of any classes of ships, from being compelled to employ qualified pilots; and to annex any terms and conditions to such exemptions; and to revise and extend any exemptions now existing by virtue of the said Act upon such terms and conditions, and in such manner, as may appear desirable to such authority.

And whereas the Trinity House, as a pilotage authority under the said Act, has submitted for the consent of Her Majesty in Council the following bye-law; viz.:

"That all ships mentioned in the 379th Section of 'The Merchant Shipping Act, 1854,' shall be exempted from compulsory pilotage in the London District, and in the Trinity House Outport Districts, as well when carrying passengers as when not carrying passengers, provided, as regards any such ship when carrying passengers, the Master or his Mate have a pilotage certificate in force for the time being, enabling such Master or Mate to pilot such ship within such district or districts, granted under the provisions either of the 340th or of the 355th Section of the said Act."

And whereas it has been made to appear to Her Majesty that the said bye-law is proper and reasonable :

Now, therefore, Her Majesty, by virtue of the power vested in her by the said recited Act, and by and with the advice of Her Privy Council, is pleased to approve, and doth hereby approve and signify Her consent to, the said bye-law, as a bye-law of the Corporation of the Trinity House of Deptford Strond.

With the exception of the two Orders in Council, above set forth, no alteration was made bearing upon the pilotage law until the 11th November 1857, when a special case was stated for the opinion of the Court of Queen's Bench, and judgment given thereon by the judges constituting the Court: namely, Lord Campbell, L.C.J., and Justices Coleridge and Wightman. This case is known as *Reg. v. Stanton* or the *Berwick*, and is reported in 8 Ellis and Bl. p. 445; and had the effect of reviving the exemptions in the repealed Act of 6 Geo. IV. c. 125, and thereby largely extending the Merchant Shipping Act, 1854. This judgment as quoted in the authorised report is as follows:—

Reg. v. Stanton. This was a special case stated for the opinion of the Court of Queen's Bench, as to the validity of a judgment or conviction under the Merchant Shipping Act, 1854, sections 353, 376, on the summons of Frederick Banks, the respondent, against Thomas Stanton, the appellant, by and before two Justices of the Borough of Gravesend.

The facts of the case were, that on the 28th June

1857, in the River Thames, and within the jurisdiction of the said Justices, the appellant, Thomas Stanton, assumed and continued in the charge, and acted as pilot of the steam ship *Berwick*, then navigating within the London Pilotage District, when the said ship was carrying passengers, after the respondent, being a duly qualified pilot, had offered to take charge of the ship; the appellant not being a duly qualified pilot; neither he nor his mate having a certificate from any pilotage authority enabling them to pilot the ship. The Justices convicted the appellant.

The ship *Berwick* was British registered, and a regular trader to the Baltic, and on the 28th June 1857, was navigating on the River Thames within the London District of the Trinity House (in which the employment of pilots was then compulsory), proceeding with passengers on her outward voyage to Copenhagen and St Petersburg, in the Baltic Sea, both being places in Europe north of Boulogne.

The question for the opinion of the Court was, Whether the *Berwick*, at the time the respondent offered his services, being then a trader carrying passengers and on her outward voyage thereto, was or was not exempt from compulsory pilotage, within the provisions of Stat. 52 Geo. III. c. 39, s. 2, or of Stat. 6 Geo. IV. c. 125, s. 59, and of the Merchant Shipping Act, 1854.

The Court held that the exemption from the necessity of employing licensed pilots, given by the Stat. 6 Geo. IV. c. 125, s. 59, to masters piloting their own ships on the voyages there specified, without the aid of an unlicensed pilot, is continued by the Merchant Shipping Act, 1854, Sect. 353; and this exemption applied as well to ships carrying as to ships not carrying passengers, and was not affected by the exemption given in Sect. 379 of the same Act to ships on particular voyages not carrying passengers.

The decision in the above case was, on the 31st January 1860, very gravely discussed in the case of the *Temora*, reported in Lushington's Reports, p. 17, in which it was attempted to bring within the exemptions under the 6 Geo. IV. c. 125, s. 59, an Irish Trader carrying passengers, and bound from Waterford to London.

The Judge of the Admiralty Court (Dr Lushington), however, held that the 354th Section of the Merchant Shipping Act, making pilotage compulsory upon certain vessels, is not to be restricted by the provisions of the 353rd Section, that all existing exemptions from compulsory pilotage should continue in force. That the 354th Section expressly imposed upon a home-trade passenger ship carrying passengers the duty of taking a pilot, and such duty depended upon Section 354 construed with Sections

353 and 379, and not as in the case of *Reg. v. Stanton*, upon the two latter Sections only; and that, therefore, the *Temora*, although an Irish Trader, as described by the 59th Section of the 6 Geo. IV. c. 125, was compelled to employ a licensed pilot on the River Thames when carrying passengers.

This case was within a year followed by another important judgment of Dr Lushington, in the Admiralty Court, given in a case known as the *Earl of Auckland*, on the 18th January 1861, and found reported in Lushington's Reports, p. 164.

The effect of that decision may be shortly stated as follows:—

The exemptions from compulsory pilotage given by 6 Geo. IV. c. 125 (supplemented by Order in Council of 18th February 1854), are maintained by Section 353 of the Merchant Shipping Act, and qualify Sections 376 and 379 of that Act. *Reg. v. Stanton* quoted above followed.

The Order in Council of 16th July 1857 (purporting to approve a bye-law of the Trinity House), being based on a construction of the law held erroneous by the Court of Queen's Bench, imposes no new pilotage obligation, and adds no new exemptions from compulsory pilotage. (See *ante* p. 33 for this Order.)

A British ship trading to or from the ports

between Boulogne and the Baltic, and carrying passengers, is not bound to employ a licensed pilot in the River Thames.

Under the 332nd Section of the Merchant Shipping Act, a pilotage authority, with the consent of Her Majesty in Council, has no authority to create a new penal obligation to employ a licensed pilot, but only authority to create or extend an exemption from compulsory pilotage, with or without condition.

Under Section 335 the Board of Trade can issue Certificates to Masters or Mates of ships described in Section 354, and of such ships only.

A pilotage Certificate issued to a Master under Section 355, describing the ship as the property of a person who was not the owner either at the time of the granting of the Certificate, or at the time of a collision subsequently occurring, is invalid at the time of that collision.

In the construction of a Statute, the Court of Admiralty is bound to follow the decision of a Court of Common Law.

The case went on appeal to the Judicial Committee of the Privy Council, and was decided on 10th December 1861, and is also reported in Lushington's Reports, p. 387, when their Lordships approved and adopted the same construction of the three Sections, 353, 376, and 379 of the Merchant Shipping

Act, 1854, as the Court of Queen's Bench and the Judge of the Admiralty Court, and as the question in the case turned entirely upon such construction, the decision of the Admiralty Court was affirmed with costs.

The exemptions from compulsory pilotage given by 6 Geo. IV. c. 125, and supplemented by the Order in Council of 18th February 1854, being maintained by Section 353 of the Merchant Shipping Act, 1854, and imported as it were into that Act, it will be necessary to set out such exemptions and Order in Council, as forming part of the law having reference to the subject under discussion.

The first Section bearing upon the exemptions is Section 59, which is as follows:—

Provided always, and be it further enacted, That for and notwithstanding anything in this Act contained, the Master of any Collier, or of any Ship or Vessel trading to Norway, or to the Cattegat or Baltic, or round the North Cape, or into the White Sea, on their inward or outward Voyages, or of any constant trader inwards, from the ports between Boulogne inclusive and the Baltic (all such Ships and Vessels having British Registers, and coming up either* by the North Channel, but not otherwise), or of any Irish Trader using the navigation of the Rivers Thames and Medway, or of any Ship or Vessel employed in the regular Coast-ing Trade of the Kingdom, or of any Ship or Vessel wholly laden with Stone from Guernsey, Jersey, Alderney, Sark, or Man, and being the production thereof, or of any Ship or Vessel not exceeding the burthen of 60 tons, and having a British Register, except

* So in the roll.

as herein-after provided ; * or of any other Ship or Vessel whatever, whilst the same is within the limits of the port or place to which she belongs, the same not being a port or place in relation to which particular provision hath heretofore been made by any Act or Acts of Parliament, or by any Charter or Charters for the appointment of Pilots, shall and may lawfully, and without being subject to any of the penalties by this Act imposed, conduct or pilot his own Ship or Vessel, when and so long as he shall conduct or pilot the same without the aid or assistance of any unlicensed pilot or other person or persons than the ordinary crew of the Ship or Vessel.

The next and only other Section to which it will be necessary to refer, is Section 62, which is as follows :—

Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to subject to any penalty the Master or Mate of any Ship or Vessel ; being the owner or a part-owner of such Ship or Vessel, and residing at Dover, Deal, or the Isle of Thanet, for conducting or piloting such, his own Ship or Vessel, from any of the places aforesaid, up or down the River Thames or Medway, or into or out of any port or place within the jurisdiction of the Cinque Ports.

The jurisdiction of the Cinque Ports, as before mentioned, was abolished by the 16 & 17 Vict. c. 129, and vested in the Trinity House, but the Section above quoted still remains law. It has, however, been decided† that the words “ any of the places aforesaid,”

* The proviso referred to was contained in s. 60, which gave power to His Majesty, by Order in Council, to exempt Ships not exceeding 60 tons and not having a British Register from the compulsory clauses.

† *Peake v. Screech*, 14 L. J. (N. S.) Q. B., p. 367. *Williams v. Newton*, 14 M. and W., p. 747.

refer to Dover, Deal, or the Isle of Thanet, and to no other places, and the exemption is therefore of no great value, and would apply but in a very few instances.

The Order in Council of 18th February 1854, referred to in the case of the *Earl of Auckland*, extended the exemptions from compulsory pilotage, existing under the provisions of the 59th Section of the Act 6 Geo. IV. c. 125, s. 59; and was really made to correct the misprint in such Section, and to include vessels coming up by the South Channels as well as the North Channels.

The Order was as follows:—

The Masters of the undermentioned Ships and Vessels shall, subject to the provisions contained in the 59th Section of the Act of Parliament, 6 Geo. IV. c. 125, in respect of the employment of unlicensed persons, be exempted from compulsory pilotage; viz., Of Ships and Vessels trading to Norway or to the Cattegat, or Baltic, or round the North Cape, or into the White Sea, when coming up by the South Channels.

Of Ships and Vessels trading to ports between Boulogne, inclusive, and the Baltic, on their outward passages, and when coming up by the south passages.

Of Ships and Vessels passing through the limits of any Pilotage District on their Voyages from one port to another port, and not being bound to any port or place within such limits nor anchoring therein.*

* It was decided in the case of the *Hanna*, 1 Law Reports (Admiralty Cases), p. 283, that this Order in Council is to be read with the 59th Section of the 6 Geo. IV. c. 125, and does not apply to a foreign Vessel inward bound not having a British Register.

During the pendency of the appeal in the *Earl of Auckland* case, a further Order in Council was made by Her Majesty, bearing date the 25th July 1861, which exempted ships navigating in ballast from ports within the United Kingdom, to other ports within the United Kingdom, from compulsory pilotage.

This Order was as follows :—

Whereas in certain cases, Ships navigating in Ballast from Ports or places within the United Kingdom, to other Ports or places within the United Kingdom, are not exempted from compulsory pilotage,—

And whereas it is expedient that such Ships should have the privilege of being exempt from Pilotage in the cases hereinafter mentioned,—

And whereas by the 332nd Section of “The Merchant Shipping Act, 1854,” it is enacted that every pilotage authority shall have power, by bye-law made with the consent of Her Majesty in Council, to exempt the Masters of any Ships, or of any classes of Ships, from being compelled to employ qualified Pilots, and to annex any terms and conditions to such exemptions.”

And whereas the Trinity House of Deptford Strond, being a Pilotage Authority, hath submitted for the consent of Her Majesty in Council, the following bye-law, viz. :—

That all Ships navigating in Ballast from any Port or place in the United Kingdom, to any other Port or place in the United Kingdom, shall, when not carrying Passengers, be exempt from compulsory Pilotage within the Pilotage jurisdiction of the said Trinity House.

Now, therefore, Her Majesty having taking the said bye-law into consideration, is pleased, by and with the advice of Her Privy Council, and by virtue of the power vested in Her by the said

recited Act, to declare Her consent to the same, and the said Bye-Law is hereby approved accordingly.

The exemptions created by the 6 Geo. IV. c. 125, were still further discussed in the case of the *Stettin*, before Dr Lushington in the Admiralty Court on the 24th June 1862, which case will be found reported in the 31 Law Journal (P. D. and Ad.), p. 208.

The *Stettin* was a steam vessel belonging to the port of London, on a voyage from Bordeaux to London, and whilst in the River Thames came into collision with a brig at anchor. The collision was occasioned solely by the fault of the pilot on board the steamer.

The Court held that the collision having taken place when the steamer was within the limits of the port to which she belonged, her owners were at such time not compelled to take a pilot, and were therefore answerable for his misconduct, but the Judge stated, that but for the 6 Geo. IV. c. 125, s. 59, the taking of the pilot would, notwithstanding the Merchant Shipping Act, 1854, s. 379, have been under the circumstances compulsory upon the owners.

The next, and only other important case bearing upon pilotage on the River Thames, and which is important insomuch as it raised the question how far the port of London extended down the river,

besides other points of interest, is known as *The General Steam Navigation Company v. The British Colonial Steam Ship Company, Limited*, and was discussed before the Court of Exchequer of Pleas, during the months of May and June 1866, and before the Exchequer Chamber in February, and judgment given by that Court in May 1869, and it will be found reported in 3 Law Reports (Exchequer), p. 330, and 4 Law Reports (Exchequer), p. 238. The circumstances and reasons leading to the decision were as follows:—

The plaintiff's ship, the *Stork*, was run into by the defendant's ship, the *Thames*, between Gravesend and Yantlet Creek. The defendant's ship was coming up the river under the charge of a licensed pilot by whose default the collision occurred. She belonged to the port of London, and if the port extended to Yantlet Creek she was within her port, if only to Gravesend she was not. The 388th Section of the Merchant Shipping Act exempts the shipowner from liability for damage occasioned by default of a licensed pilot within any district where the employment of such pilot is compulsory by law. The London pilotage district extends from Dungeness to London Bridge, but no pilot can be licensed to conduct ships both above and below Gravesend. The pilotage rate is a rate from Dungeness to Gravesend, and not to any other intermediate place.

By the 6 Geo. IV. c. 125, s. 59, a ship is exempted from compulsory pilotage while within the limits of the port or place to which she belongs. It was found as a fact by an arbitrator, to whom it was referred to state a case in an action between the plaintiffs and the defendants for the damage occasioned by the collision, that for pilotage purposes Gravesend was the limit of the port of London.

Held by the Court of Exchequer Chamber, that the action was not maintainable, first on the ground that the question what the limits of the port were for pilotage purposes, was a question of fact, and that the finding of the arbitrator was right; and secondly on the ground that even if the ship were at the time of the collision within her port, the pilot having been compulsorily taken at Dungeness, the relation of master and servant did not arise between him and the defendants, and the defendants were entitled to the exemption given by the 388th Section.

The exemptions contained in the 379th Section of the Merchant Shipping Act, have been still further enlarged by an Order in Council of the 21st December 1871, which is as follows:—

Whereas by the 332nd Section of "The Merchant Shipping Act, 1854," it is enacted that every Pilotage Authority shall have power by bye-law, made with the consent of Her Majesty in Council, to exempt the masters of any ships or of any classes of

ships from being compelled to employ qualified pilots, and to annex any terms or conditions to such exemptions, and to revise and extend any exemptions now existing, by virtue of that Act, or any other Act of Parliament, Law, or Charter, or by usage, upon such terms and conditions, and in such manner as may appear desirable to such authority :

And whereas, by the 379th Section of the said Act, it is enacted that the following ships (among others) when not carrying passengers, shall be exempted from compulsory pilotage in the London District, and the Trinity House Outport Districts (that is to say) :—

“Ships trading to Boulogne, or to any place in Europe north of Boulogne.

“Ships from Guernsey, Jersey, Alderney, Sark, or Man, which are wholly laden with stone, being the produce of those islands.”

And whereas it is expedient to extend the exemptions contained in the last-mentioned section in manner hereinafter mentioned :

And whereas the Trinity House of Deptford Strond, being the Pilotage Authority for the said districts, hath submitted for the consideration of Her Majesty in Council the following Bye-law (that is to say)—

“That all ships trading from any port or place in Great Britain within the London District, or any of the Trinity House Outport Districts to the Port of Brest, in France, or any port or place in Europe north and east of Brest, or to the islands of Guernsey, Jersey, Alderney, Sark, or Man, or from Brest, or any port or place in Europe north and east of Brest, or from the islands of Guernsey, Jersey, Alderney, Sark, or Man, to any port or place in Great Britain within either of the said districts, when not carrying passengers, shall be exempted from compulsory pilotage within such districts.”

Now, therefore, Her Majesty having taken the said Byelaw into consideration, and deeming the same to be reasonable and proper, is pleased, by and with the advice of Her Privy Council, and by virtue of the power vested in her by the said recited Act, to

declare her consent to the same, and the said Bye-law is hereby approved accordingly.

In the course of the perusal of the foregoing the reader will have found that the word "passenger" is constantly used, although no proper definition is given in the Merchant Shipping Act to the term; but for the purposes of the Act with respect to surveys and certificates of passenger steam-ships, it is declared that the word "passenger" shall be held to include any person carried in a steam-ship other than the master and crew, and the owner, his family, and servants (section 303, part IV., 17 and 18 Vict. c. 104).

There are two decided cases, however, which have had in question who is a passenger, and it may be gathered from them that the Common Law connects the payment of fares with the status of passenger; that therefore a person who did not pay for his passage, but who messed with the master, and who assisted in the work of the ship, was not a passenger. The *Hanna*, 1 Law Reports (Admiralty Cases), p. 283. And where the master's wife and father-in-law accompanied the ship in ballast round the coast from London to Hull, and did not pay for their board, but subsequently to a collision paid their passage money under very suspicious circumstances, they were held not to be passengers. The *Lion*, 2 Law Reports (Admiralty Cases), p. 102.

Several questions have also been before the Admiralty Court from time to time, bearing upon the general law of pilotage, and decisions have been given therein which it is not within the present purpose to report fully, but as the judgments recorded may assist the reader in deciding against whom his right of action lies, should he be in the position of a sufferer, by damage occasioned by the default of a ship or her pilot, a short statement of such judgments may not be out of place, but reference must be had to the Reports themselves for a full knowledge of the facts leading to the judgments.

These cases may be shortly stated as follows:—

Where a collision is caused by a vessel in charge of a licensed pilot, the owners, in order to exonerate themselves from liability, must prove not merely that the crew were under the pilot's orders at the time, but that the order which caused the damage was actually given by the pilot, the *onus probandi* being on them. The *Schnwalbe*, on appeal from the Admiralty Court to the Privy Council, reported in 1st Volume of Maritime Law Cases, p. 42, and Lushington, p. 239. See also the *Carrier Dove*, reported in Browning and Lushington, p. 113.

A steamer going down a river, and the pilot as well as those on board being remiss in keeping a good look-out, the owners of the steamer held liable

for damage to a barge. The *Malvina*, reported in 1st Volume of Maritime Law Cases, p. 341.

Where the services of a pilot are compulsory, and he has charge of a vessel, and a collision occurs caused by negligence, the owner cannot escape liability, unless he can establish that the negligent act was exclusively that of the pilot. Hence if there were no vigilant look-out kept by the crew, but they relied on the pilot who did not see a barge ahead till it was too late to avoid collision, this is *prima facie* contributory negligence which renders the owners liable. The *Iona*, on appeal before the Judicial Committee of the Privy Council, reported in 2nd Volume of Maritime Law Cases, p. 479, and 1 Law Reports (Privy Council), p. 426.

In a cause of damage by collision it was pleaded and proved by the defendants (who admitted that their vessel was the wrong-doer) that the collision was caused by the fault of their pilot whose employment was compulsory. The Court condemned the plaintiff in costs. The *Royal Charter*, 2 Law Reports (Admiralty Cases), p. 362.

It is the duty of a pilot in charge of a ship in tow to direct the navigation of the tug. See the *Energy*, 3 Law Reports (Admiralty Cases), p. 48, and the cases therein quoted and observed upon by Sir Robert Phillimore.

The defendants in a collision suit by their answer

denied that their vessel was to blame, and also set up the defence of compulsory pilotage. The Court decided that their vessel was to blame, but dismissed the suit upon the ground that the defence of compulsory pilotage was established. Held that the plaintiff was not entitled to any portion of the costs of the suit. The *Schwan*, 4 Law Reports (Admiralty Cases), p. 187.

Where a ship in charge of a licensed pilot is anchored within pilotage water, the pilot determines and is responsible for the length of cable at which the ship rides, and it is the duty of the pilot when the ship swings to the tide to superintend that manœuvre, and regulate the helm; and if, through want of length of cable and of regulation of the helm the ship sheers, and so parts from her anchor in swinging, the pilot will be alone responsible, provided that the crew take the right steps to counteract the sheering. The *City of Cambridge*, 2nd volume of Maritime Law Cases (N.S.), p. 193.

It may also be considered as decisive that the master of a ship ought not to control the duties of the pilot, unless there is strong ground for believing him to be incompetent from drunkenness, illness, or general neglect and inattention.

The only other Order having reference to the River Thames, and the pilots navigating vessels thereon, is an Order in Council of the 5th February 1873, which

recognised a class of men who had been in the habit of conducting ships exempted from compulsory pilotage, and made regulations for licensing such men in existence at the time of the Order, and for the future. The Order is as follows :—

Whereas, by the 333rd Section of “The Merchant Shipping Act, 1854,” it is enacted that, subject to the provisions contained in the fifth part of the Act, it shall be lawful for every pilotage authority by bye-law, made with the consent of Her Majesty in Council amongst other things, “to determine the qualifications to be required from persons applying to be licensed as pilots,” and “to fix the terms and conditions of granting licences to pilots.”

And whereas it is expedient to make regulations to determine the qualifications to be required from persons so applying to be licensed, and to fix the terms and conditions of granting such licences :

And whereas it has been made to appear to the Corporation of the Trinity House, of Deptford Strond, being the pilotage authority for the port of London and the seas and channels leading thereto, according to the meaning of the said recited Act, that certain persons have for a long period of time been employed in piloting ships up and down the River Thames, between London Bridge and Gravesend, without being duly licensed as pilots by the said pilotage authority :

And whereas it has been resolved by the said Corporation of the Trinity House that such a number of the said persons as the Corporation shall from time to time see fit shall be licensed as pilots by the Corporation, for the purpose of piloting ships exempted from compulsory pilotage up and down the River Thames between London Bridge and Gravesend, on and after the 1st day of January 1873 :

And whereas it has been deemed expedient that the qualification to be required from such last-named persons, and the terms and conditions of granting licences to them should differ and be

distinct from the qualifications, terms, and conditions which apply to the appointing and licensing of pilots for the general service within the said London district, and it is intended to designate such persons to be so licensed as "pilots for exempted ships :"

And whereas the said Corporation have submitted for the consent of Her Majesty in Council certain regulations (hereunto annexed) for the licensing of persons as pilots, and whereas the said regulations appear to be proper and reasonable :

Now therefore Her Majesty, by virtue of the power vested in her by the said recited Act, and by and with the advice of Her Privy Council, is pleased to approve, and doth hereby approve, of the said regulations so submitted as aforesaid.

Regulations referred to in the foregoing Order.

I. All persons applying for licences as pilots for such exempted ships on the River Thames between London Bridge and Gravesend, shall produce such certificates as shall be deemed satisfactory by the Trinity House previously to examination, as in the said Act provided, on the following points, viz. :—

- (1.) Their qualification by previous service under the rule hereinafter provided :
- (2.) Their previous good conduct and habits of sobriety ;
- (3.) That they are in good health, and not afflicted with any bodily complaint or infirmity, rendering them unfit to perform the duties of a pilot, which last certificate shall be under the hand of a duly authorised medical practitioner.

II. Any person who shall be able to prove to the satisfaction of the Trinity House that he has piloted ships on the River Thames, between London Bridge and Gravesend, for a period of two years previously to the date of this bye-law, or that he is otherwise eligible by practical experience in the navigation of vessels within that district, shall be deemed qualified, after examination, as in the said Act provided, to be licensed as a pilot for the navigation up and down the River Thames between London

Bridge and Gravesend, subject to the following terms and conditions, viz. :—

- (1.) That such licence shall authorise him to act as pilot only on board such exempted ships, and no others ; all pilots so licensed, being intended to be designated “Pilots for exempted ships ;”
- (2.) That such licence shall not authorise him to supersede, in the charge of any ship, any other pilot duly licensed by the Trinity House for the said navigation between London Bridge and Gravesend ;
- (3.) That he shall be subject to all bye-laws, rules, orders, and regulations, made, or hereafter to be made by the Trinity House, for the government of pilots generally, and to all penalties thereby imposed and provided, unless specially exempted therefrom ;
- (4.) That he shall pay the like sums of money as are payable by pilots licensed for the London district on their appointment, and on the annual renewal of their licences, but shall not be required to pay to the Pilots’ Fund the poundage of sixpence in the pound upon the pilotage earnings of pilots licensed by the Trinity House, as provided by the 385th Section of the said Act, nor shall he nor his widow nor children be entitled to any benefit from the said Pilots’ Fund.

The Trinity House, in granting the licences to pilots for exempted ships, in the first instance granted them unconditionally in the words of the Order in Council, but have since called all the licences in and endorsed them in the following manner, “This licence does not authorise the bearer to pilot any ship carrying passengers,” and have thus deprived the pilots of a very lucrative part of their business.

The Order in Council does not annex this condition to the licence, and it seems doubtful whether the Trinity House can, without the consent of her Majesty in Council, enforce the condition, should any of the pilots dispute the right or authority of that Corporation to impose terms not warranted by the Order.

By the Merchant Shipping Acts Amendment Act, 1873 (36 & 37 Vict. c. 85, s. 19), it is enacted "that, if a vessel require the services of a pilot, the signals to be used and displayed are to be those specified in the Second Schedule to the Act. And any master of a vessel who uses or displays, or causes or permits any person under his authority to use or display, any of the said signals for any other purpose than that of summoning a pilot, or uses or causes or permits any person under his authority to use any other signal for a pilot, shall incur a penalty not exceeding £20."

The signals mentioned in the Schedule to the Act are as follows:—

In the day-time. The following signals, numbered 1 and 2, when used or displayed together, or separately, shall be deemed to be signals for a pilot in the day-time—viz., 1, to be hoisted at the fore the Jack or other national colour usually worn by merchant ships, having round it a white border one-fifth

of the breadth of the flag; or, 2, The International Code Pilotage Signal, indicated by PT.

At night. The following signals, numbered 1 and 2, when used or displayed together, or separately, shall be deemed to be signals for a pilot at night—viz., 1, The pyrotechnic light, commonly known as a blue light, every fifteen minutes; or 2, A bright white light, flashed or shown at short or frequent intervals, just above the bulwarks, for about a minute at a time.

The avowed purpose of the law as enacted by the Merchant Shipping Act, was to limit the liability of the shipowner, and also the risk of damage, by compelling the master of a vessel to accept the services of a pilot when entering or leaving the River Thames, subject of course to the exemptions contained in the Act. The Orders in Council which have from time to time been issued, and the judicial decisions given, now leave the law relating to pilotage in the utmost confusion, and notwithstanding the previous endeavour to set out in something like order, the various and conflicting cases on the subject, it is thought as well to make a short synopsis of the exemptions which may now be said to exist from compulsory pilotage, so that a reference to such synopsis may in one moment enable the reader to determine what vessels are and what vessels are not exempt from compulsory pilotage.

The following vessels are exempt from compulsory pilotage under the Statute 6 Geo. IV. c. 125, s. 59, and the Order in Council of 18th February 1854, if navigated by the master without the assistance of any unlicensed person or persons; namely:

Any ship or vessel having a British register, trading to Norway or to the Cattegat, or Baltic, or round the North Cape, or into the White Sea, or any constant trader from the ports between Boulogne inclusive and the Baltic.

Any ship or vessel whatever, whilst the same is within the limits of the port or place to which she belongs. Under Section 60 of the same Act, ships piloted by the master or mate thereof, residing at Dover, Deal, or the Isle of Thanet, from such places up or down the River Thames or Medway.

Under Section 340 of the Merchant Shipping Act, 1854, ships navigated by master or mate, possessing a pilotage certificate.

Under Section 379 of the same Act, and the Orders in Council thereunder, ships when navigating in the London district, omitting the compulsory clauses which clash with the exemptions under the 6 Geo. IV. c. 125, and omitting the conditions imposed by the Order in Council of 16th July 1857.

Ships employed in the coasting trade of the United Kingdom, when not carrying passengers.

Ships of not more than 60 tons burden, when not carrying passengers.

Ships trading to or from Boulogne or to any place in Europe north of Boulogne, when not carrying passengers.

Ships from Guernsey, Jersey, Alderney, Sark, or Man, wholly laden with stone, being the produce of those islands, when not carrying passengers.

Ships navigating within the limits of the port to which they belong, and not bound beyond those limits.

Ships navigating in ballast from any port or place in the United Kingdom, to any other port or place in the United Kingdom, when not carrying passengers.

Ships trading to or from any port or place in Great Britain within the London district and the port of Brest, or any port or place north and east of Brest, when not carrying passengers.

Ships trading to or from any port or place in Great Britain within the London district, and the Islands of Guernsey, Jersey, Alderney, Sark or Man, when not carrying passengers.

Pilotage is compulsory under Section 354 of the Merchant Shipping Act, 1854, on the masters of ships carrying passengers between any place situate in the United Kingdom, or the Islands of Guernsey, Jersey, Sark, Alderney, and Man, and any other place so situate, unless the master or mate of such ships possess a pilotage certificate.

On all ships not having British registers, when carrying passengers.

On all ships having British registers, and not hailing from London, when carrying passengers trading to or from ports in Europe south of Boulogne.

On all ships not hailing from London, when not carrying passengers and trading to or from ports in Europe south of Brest.

All other ships not hailing from London and trading to or from any port or place not within the above limits.

There can be no doubt in the reader's mind that the intention of the framers of the Merchant Shipping Act, 1854, as to the exemptions within the London district of the Trinity House, has failed. On numerous occasions pressure has been brought to bear on the Government then in office, to remedy the defects existing; the better opinion seems to be that Section 388, which saves the owners and masters of ships from liability for damage occasioned by the fault or incapacity of any qualified pilot, should be altogether removed from the Statute Book, and that the Sections of the Merchant Shipping Act, 1854, so far as they relate to the compulsory employment of pilots, should be re-enacted in language which should exclude the exemptions now derived from the Act of George IV., and the Order in Council thereunder.

Compulsory pilotage is looked upon with much favour by many of our largest ship-owners, and as a body they are not averse to the repeal of the 388th Section, by which repeal their liability to make good damage would be revived. On the River Thames, however, this liability would be set off by the right of owners of vessels to employ whatever pilot they may consider suitable to their requirements, by a system of choice letters, which are now in use, and by which regular traders to and from the port of London are generally navigated by the same pilot, who thereby becomes familiar with the vessel under his command, and is therefore not so likely to fall into error as to the capabilities of such vessel.

It is not, however, the object of the writer to suggest a remedy for the evils at present existing. His intention is to plainly state the law as gathered from the Acts of Parliament, Orders in Council, and judicial decisions, and in which intention he trusts he has succeeded to the satisfaction of those who may so far honour him as to become the readers of his work.

APPENDIX.

APPENDIX.

TABLE U.

THE RATES OF PILOTAGE to be demanded and received by PILOTS, acting under the authority of the CORPORATION OF TRINITY HOUSE, of Deptford Strond, within the limits mentioned, on and after 5th November 1862.

Draft of Water.	ERITH.—To or From		GRAVESEND.—To or From				Woolwich or Blackwall, to or from London.		LONG REACH.—To or From	
	Blackwall.		London.		Longreach.		Erith.		Blackwall.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
7 Feet and under	0 15 0	1 1 0	1 1 0	0 9 0	0 9 0	0 15 0	0 15 0	0 17 0	0 17 0	1 3 0
7½	0 16 6	1 2 6	1 2 6	0 11 0	0 11 0	0 17 6	0 17 6	0 18 6	0 18 6	1 4 6
8	0 18 0	1 4 0	1 4 0	0 13 0	0 13 0	1 0 0	1 6 0	1 0 0	1 0 0	1 6 0
8½	0 19 6	1 5 6	1 5 6	0 15 0	0 15 0	1 2 6	1 9 0	1 1 6	1 1 6	1 7 6
9	1 1 0	1 7 0	1 7 0	0 17 0	0 17 0	1 5 0	1 12 0	1 3 0	1 3 0	1 9 0
9½	1 2 6	1 8 6	1 8 6	0 19 0	0 19 0	1 7 6	1 14 0	1 4 6	1 4 6	1 11 6
10	1 4 0	1 10 0	1 10 0	1 1 0	1 1 0	1 10 0	1 16 0	1 6 0	1 6 0	1 14 0
10½	1 6 6	1 12 6	1 12 6	1 3 0	1 3 0	1 12 6	2 0 0	1 7 6	1 9 0	1 18 0
11	1 9 0	1 15 0	1 15 0	1 5 0	1 5 0	1 15 0	2 4 0	1 9 0	1 12 0	2 2 0
11½	1 11 6	1 17 6	1 17 6	1 7 0	1 7 0	1 17 6	2 7 0	1 10 6	1 15 0	2 6 0
12	1 14 0	2 0 0	2 0 0	1 9 0	1 9 0	2 0 0	2 10 0	1 12 0	1 18 0	2 10 0
12½	1 16 6	2 2 6	2 2 6	1 11 0	1 11 0	2 2 6	2 13 0	1 13 6	2 1 0	2 14 0

13	1 19 0	2 5 0	1 13 0	2 5 0	2 16 0	3 6 0	1 15 0	2 4 0	2 18 0
13½	2 2 0	2 8 0	1 15 6	2 8 0	3 0 0	3 10 0	1 16 6	2 8 0	3 2 0
14	2 5 0	2 11 0	1 18 0	2 11 0	3 4 0	3 14 0	1 18 0	2 12 0	3 6 0
14½	2 8 0	2 14 0	2 0 6	2 14 0	3 7 6	3 18 0	2 0 0	2 16 0	3 10 0
15	2 11 0	2 17 0	2 3 0	2 17 0	3 11 0	4 2 0	2 2 0	3 0 0	3 14 0
15½	2 14 6	3 0 6	2 6 0	3 0 6	3 15 0	4 6 6	2 4 0	3 4 6	3 18 6
16	2 18 0	3 4 0	2 9 0	3 4 0	3 19 0	4 11 0	2 6 0	3 9 0	4 3 0
16½	3 1 6	3 7 6	2 12 0	3 7 6	4 3 0	4 15 6	2 8 0	3 13 6	4 7 6
17	3 5 0	3 11 0	2 15 0	3 11 0	4 7 0	5 0 0	2 10 0	3 18 0	4 12 0
17½	3 9 0	3 15 0	2 18 6	3 16 0	4 13 0	5 7 6	2 12 0	4 3 0	4 18 0
18	3 13 0	3 19 0	3 2 0	4 1 0	4 19 0	5 15 0	2 14 0	4 8 0	5 4 0
18½	3 17 0	4 3 0	3 4 0	4 6 0	5 5 0	6 2 6	2 16 0	4 13 0	5 10 0
19	4 1 0	4 7 0	3 6 0	4 11 0	5 11 0	6 10 0	2 18 0	4 18 0	5 16 0
19½	4 6 0	4 12 0	3 8 6	4 18 0	6 1 0	7 2 6	3 0 0	5 7 0	6 3 6
20	4 11 0	4 17 0	3 11 0	5 5 0	6 11 0	7 15 0	3 2 0	5 16 0	6 11 0
20½	4 16 0	5 2 0	3 18 6	5 12 0	7 1 0	8 7 6	3 4 0	6 5 0	6 18 6
21	5 1 0	5 7 0	4 6 0	5 19 0	7 11 0	9 0 0	3 6 0	6 14 0	7 6 0
21½	5 7 0	5 13 0	4 12 0	6 8 0	8 3 6	9 15 0	3 8 0	7 4 0	7 18 6
22	5 13 0	5 19 0	4 18 0	6 17 0	8 16 0	10 10 0	3 10 0	7 14 0	8 11 0
22½	5 19 0	6 5 0	5 4 0	7 6 0	9 8 6	11 5 0	3 12 0	8 4 0	9 3 6
23	6 5 0	6 11 0	5 10 0	7 15 0	10 1 0	12 0 0	3 14 0	8 14 0	9 16 0

For Vessels exceeding 23 feet, an increase in the rates for each foot or part of a foot, in the same proportion as between 22 and 23 feet.

The several rates and prices before specified, are subject to a reduction of one-fourth part, in respect of Vessels propelled by Steam and Vessels towed by Steam Vessels. Provided that if any such Vessel shall be propelled by Steam, or towed by a Steam Vessel for a part only of the distance for which any such rate or price may be payable, the reduction of one-fourth shall be made on such part only of the said rate or price as shall be proportionate to the distance so propelled or towed.

Employment of Boats, Anchors, &c.

In the River Thames above Gravesend.	For a Boat of a Class carrying an Anchor of above 4 cwt. with a corresponding Tow Line,			} Per Trip for the whole distance from Gravesend to London, and in proportion for any part of that distance.
	£2 2 0			
	Ditto 2 cwt.			
	. 1 1 0			
	Ditto under 2 cwt.			
	. 0 15 0			
	And for each Man's Service in those Boats, 8s. per Tide.			

BYE-LAWS, RULES, ORDERS, REGULATIONS, and ORDINANCES, made and framed by the CORPORATION OF TRINITY HOUSE OF DEPTFORD STROND, as well for insuring the good conduct and constant attendance of Pilots licensed by the said Corporation upon their duty, as for enforcing the general purposes of an Act passed in the sixth year of the reign of King George the Fourth, intituled, "An Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons;" the same Bye-laws, Rules, Orders, Regulations, and Ordinances having been examined, sanctioned, and approved in that behalf by the Right Honourable Sir Charles Abbott, Knight, Lord Chief Justice of His Majesty's Court of King's Bench, pursuant to the directions of the said Act.

IMPRIMIS: It is ordained, that from and after the promulgation of these present Bye-laws, Rules, Orders, Regulations, and Ordinances, all and every the Bye-laws, Rules, Orders, Regulations, and Ordinances, heretofore made or framed by the said Corporation, for the government of the said Pilots, or for ensuring the good conduct and constant attendance of the same upon their duty, or for enforcing the general purposes of an Act passed in the forty-eighth year of the late King's reign, intituled, "An Act for the better regulation of Pilots and of the Pilotage of Ships and Vessels navigating the British Seas," shall be and the same are from henceforth annulled, and in lieu and stead thereof the said Corporation do hereby make and frame the Bye-laws, Rules, Orders, Regulations, and Ordinances following, that is to say:—

II. It is ordained, that every Pilot who shall be ordered to proceed on His Majesty's Service by any order signed by the Deputy-Master or Secretary of the said Corporation, or by the officer for the time being of the said Corporation at Yarmouth, or elsewhere, duly authorised to act in matters of Pilotage, or who shall be so ordered, in writing or otherwise, by any officer in His Majesty's Service, shall immediately proceed thereon; and every Pilot who shall fail so to do, or who shall evade the receipt of any such order, or who shall quit or decline such service, shall, for the first offence, forfeit £5, and for the second and every subsequent offence £10 each.

III. It is ordained, that every Pilot engaged in the charge of any Ship employed by Government in the Transport Service, shall observe particularly if any unnecessary delay takes place on the part of the Master in proceeding towards his destination; and if any delay does take place, such Pilot shall on his return report the same to the Secretary of the said Corporation, and upon going on board, such Pilot shall give notice to the Master that he has orders so to do.

IV. It is ordained, that no Pilot having the charge of a Merchant Ship, shall stop the same alongside the moorings of His Majesty's ships at Deptford, or elsewhere, or between the Round Tree and Bathing House at Gravesend (except in either of such cases there be an extreme necessity for so doing, or leave be obtained for that purpose from the proper officer or officers in that behalf), and all Pilots licensed by the said Corporation are at all times to be particularly careful to steer clear of the King's ships in passing them.

V. It is ordained, that every Pilot, when called upon or required to pilot any Ship or Vessel, shall, if under engagement to any other Ship, forthwith make known such engagement, and specify the particulars thereof truly and faithfully to the person calling for or requiring such Pilot's service; and in case of any concealment, misrepresentation, or falsehood in respect of such alleged previous engagement, the Pilot offending shall forfeit £10.

VI. It is ordained, that every Pilot who shall have taken charge of any Ship from the River Thames to the Downs, or elsewhere, shall, without any additional compensation in that behalf, wait on board for the space of three complete days, while

such ship may be detained at Gravesend, or elsewhere, for want of seamen, or by any other casualty, nor shall he at the end of three complete days be at liberty to quit such Ship, or receive any additional compensation if she shall be further detained by winds, weather, or tides; and should the Ship be detained beyond three complete days on any other account except winds, weather, or tides, the Pilot having the charge thereof shall nevertheless still (if required so to do) remain in the charge of her, provided a compensation of 6s. per day be offered to him in that behalf by the Master or Owner.

VII. It is ordained, that every Pilot shall in all cases demean himself civilly and respectfully towards all persons who may require his service, and towards all Officers in His Majesty's Navy, and shall maintain a strict temperance and sobriety in the exercise of his office, and shall use his utmost care and diligence for the safe conduct of every Ship which he shall be entrusted with the charge of, and to prevent her doing damage to others.

VIII. It is ordained, that every Pilot who shall undertake the charge of any Ship downwards, shall, before his departure, leave, or cause to be left, notice thereof in writing at the proper office at the Trinity House in London, with one of the clerks there attending, and shall be considered as disengaged until he shall have so done; and upon such Pilot's return he shall immediately, in his own person, attend at the said office, and make and sign such entry in a book there kept for that purpose, as the said Corporation shall from time to time direct or require.

IX. It is ordained, that every Pilot licensed by the said Corporation, shall from time to time, and at all times in obedience to the Order or Summons of the said Corporation, under the hand of the Secretary thereof for the time being, duly delivered or offered to such Pilot, or left a reasonable time at the usual or last known place of residence of such Pilot, attend the said Corporation, at their Courts, Bye-Boards, or Committees, or their Secretary for the time being, at the Trinity House in London, and that every Pilot licensed by the said Corporation upon a Certificate of Qualification from Sub-Commissioners of Pilotage, shall in like manner attend the Sub-Commissioners of the Port or Place for which such Pilot shall be so licensed, in obedience to the Order or Summons of the said Sub-Commissioners, under their

hands, or the hands of the major part of them, duly delivered, offered or left as aforesaid, to answer to any charges brought against such Pilots, respectively, or for the performance of any public service, or for any other purpose whatsoever ; and in default of such attendance every Pilot so offending shall forfeit, for the first offence, 40s., and for the second and every subsequent offence £5 each.

X. It is ordered and hereby directed, that every Pilot licensed or to be licensed by the said Corporation, upon their receiving a certificate of examination by any Sub-Commissioners of Pilotage, shall for such examination, and for the granting of the licence thereon, pay the sum of Two Guineas to the said Sub-Commissioners of Pilotage by whom he shall be so examined, or to one of them, and shall also, for the renewing or confirming such licence, from time to time pay to the Sub-Commissioners of Pilotage for the time being at or for the Port or Place specified in such licence, or to one of them, the annual sums following (that is to say) :—Every Pilot so licensed, or to be licensed as aforesaid, for the Ports of Plymouth, Portsmouth, or Cowes respectively, the annual sum of Two Guineas. And every Pilot licensed or to be licensed as aforesaid, for any other Port or Place, the annual sum of One Guinea, unless the Pilots at or for such Port or Place shall be divided into two classes, and in that case the Pilots of the First Class are to pay the annual sum of Two Guineas each, and Pilots not of the First Class the annual sum of One Guinea each.

XI. It is ordained, that no Pilot shall add to or in any way alter his licence, or make or alter any endorsement thereon, nor shall he be privy to any such licence or endorsement being altered.

XII. It is ordained, that every Pilot who shall observe any alteration in any of the Sands or Channels, or that any of the Buoys or Beacons of the said Corporation are driven away, broken down, or out of place, shall forthwith deliver or send a correct statement thereof in writing to the Secretary of the said Corporation for the time being.

XIII. It is ordained, that every Pilot shall, whenever he comes to an anchor, carefully observe the settings of the tide and the force of the stream, and if it shall happen that he comes near to a

Sand, or other object or cause of danger, and there be any other Ships or Ship in company likely to fall in therewith, such Pilot shall immediately give notice thereof to the Captain or principal Officer of the Ship under his care, that he may make a signal to such other Ships or Ship for avoiding the same.

XIV. It is ordained, that no Pilot shall on any pretence aid or assist, either in his own person, or with his boat or servants, or by any other means whatever, the landing, removing, or secreting any Seaman from any Merchant Ship or Vessel, to avoid serving in His Majesty's Navy, or to escape the impress for the same.

XV. It is ordained, that every Pilot shall from time to time conform himself strictly to all directions which shall be given to him by any of the Harbour Masters authorised by Act of Parliament under the Corporation of the City of London, touching the mooring, unmooring, placing, or removing of any Ship or Vessel under his charge, as long as such Ship or Vessel shall be lying and situate within the limits of the authority of such Harbour Master.

XVI. It is ordained, that each and every Pilot belonging to a licensed Pilot Vessel shall be at liberty to entertain one Apprentice and no more.

XVII. It is ordained, that for any work done on the River Thames or Medway, by men in boats, being less than the work for the whole tide, the pay shall be for half a tide's work, 4s. to each man, and so on in proportion for any time less than a whole tide, the pay for which is settled by the said Act of the sixth year of the reign of His present Majesty at 8s.

XVIII. It is ordained, that in all cases where pecuniary penalties and forfeitures are annexed to the breach of the foregoing Bye-laws, Rules, Orders, Regulations, and Ordinances, the said Corporation of Trinity House may mitigate and reduce the same to one-fourth part at their discretion.

XIX. It is ordained, that every Pilot who shall offend against any or either of the foregoing Bye-laws, Rules, Orders, Regulations, and Ordinances, shall, for every such offence (whether the same shall subject him to any pecuniary penalty or not, and in addition to such penalty, if any) be liable to have his licence annulled and forfeited, or suspended, at the discretion of the said Corporation.

N.B.—Besides conforming themselves diligently to the above Bye-laws, Rules, Orders, Regulations, and Ordinances, the Pilots licensed by the Corporation of Trinity House are of course in all things to observe and obey the enactments and provisions relating to such Pilots contained in the said Act of Parliament, made and passed in the sixth year of the reign of His Majesty King George the Fourth, a copy of which Act has been delivered to each of the said Pilots.

A circular seal with the word "Seal" inside.

Seal.

By Order of the Corporation,
J. HERBERT, *Secretary*.

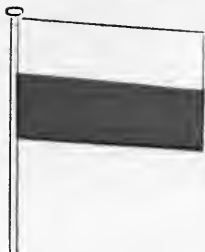
I have perused and examined the foregoing Bye-laws, Rules, Orders, Regulations, and Ordinances, and do hereby sanction, approve of, and confirm the same. Witness my hand and seal, the nineteenth day of April, One Thousand Eight Hundred and Twenty-six.

C. ABBOTT.

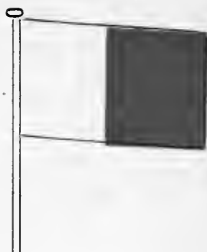
A circular seal with the word "Seal" inside.

Seal.

1st Class.



2d Class.



TRINITY HOUSE, LONDON, 19th March 1853.

SIR,—The Board having been pleased to direct that every Pilot for the Port of London shall, immediately upon boarding a vessel and taking charge thereof, hoist a flag under the ensign or on some other conspicuous place,—but not on the fore-royal masthead,—and keep the same flying during the time he so remains in charge; the flag to be the regular pilot-flag—red and white for the First-Class Pilot, horizontal; for the Second-Class Pilot, vertical (as above), the size of the flag to be 6 feet by 4 feet.

I hereby communicate the same to you, and require you to provide yourself with such flag with as little delay as possible, and observe on all occasions the said order.—I am, Sir, your humble servant,

J. HERBERT, *Secretary*.

N.B.—River Pilots, who have charge of vessels downwards, shall, on arriving in Northfleet Hope, display the usual signal for a Pilot on board all vessels requiring the services of a Channel Pilot, or shall lower their own flags.

TRINITY HOUSE, LONDON, 20th April 1859.

SIR,—The Board having been pleased to order, at the request of the Commissioners of Her Majesty's Customs, that every River Pilot shall, on taking charge of a vessel from foreign parts, ascertain whether there is an Officer of Customs on board; and that, should there not be one, he shall demand the production of

the Quarantine Certificate, which is given to the Commanding Officer of every vessel, before she can proceed above the authorised Station for placing on board the Officer of Customs, I am directed to communicate the same to you, and to require your strict observance of the said order on all future occasions.—I am, Sir, your humble servant,

P. H. BERTHON, *Secretary.*

Mr _____
River Pilot.

TRINITY HOUSE, LONDON, *October 1867.*

SIR,—It having been represented to the Corporation that some of the Pilots licensed for the London District are in the habit of giving gratuities to persons who may obtain employment for them, or who select them to take charge of Vessels, I am directed to acquaint you therewith, and to order and require that on no occasion you directly or indirectly give any gratuity whatever, in respect of your being selected to take charge of a Vessel.

I am at the same time to refer you to the terms of the bond executed by you at the time of your receiving your licence, and to acquaint you that, should you be guilty of any infringement of this Order, you will be called upon for the amount of its Penalty, viz., One Hundred Pounds, and have your licence suspended or withdrawn.—I am, Sir, your humble servant,

P. H. BERTHON, *Secretary.*

TRINITY HOUSE, LONDON, *May 1873.*

SIR,—I am directed to acquaint you that the Board has been pleased to order that, on and after the 12th inst., the following Regulations shall be observed by all Pilots licensed for the River Thames between London Bridge and Gravesend :—

- 1st. That any Pilot who may be selected to take charge of a Vessel not regularly employed in the Coasting Trade of the United Kingdom, shall obtain a "Choice Letter" for such Vessel, duly signed by the Owner, Master, or *bonâ-*

fide Agent thereof ; and when the same has been stamped, and the established fee paid at this House, it shall be handed to the Ruler, for his authority to be endorsed thereon, for the Pilot to act on such "Choice Letter."

- 2d. That any Pilot taking charge of a Vessel on a "Choice Letter" given him by any person not being the Owner, Master, or *bonâ-fide* Agent thereof, shall, if the Corporation see fit, forfeit the Pilotage of such Vessel, which shall be applied to the purposes of the Pilots' Fund.
- 3d. That no Pilot, whether having a "Choice Letter" or not, shall board any Vessel until the same has been cleared by the Officers of Her Majesty's Customs ; and should this Order be disregarded, the Pilot so offending shall be superseded by the first-turn man.—I am, Sir, your humble servant,

ROBIN ALLEN, *Secretary.*

Mr _____

River Pilot.

REGULATIONS

To be observed by the Pilots in the payment of the poundage on their respective earnings. Established by the 385th section of the Act 17 & 18 Vict. c. 104.

Each Pilot is required, at the expiration of every month, to deliver to the Clerk, in the Pilots' Office at the Trinity House, a correct account, on one of the forms provided him for that purpose, of all Vessels piloted by him in the said month ; and he is then to pay the amount due for poundage thereon, to be applied to the purposes of the Pilots' Fund, as provided by the Act.

In order to ensure a correct Return of their earnings, the Pilots are required to render, at the end of each year, an Abstract Account, on one of the forms also provided for that purpose, of their total earnings in each month, and to declare solemnly before a Magistrate to the truth of the Return they have so made.

By Order,

ROBIN ALLEN, *Secretary.*

ORDER RESPECTING THE USE OF THE LEAD.

TRINITY HOUSE, LONDON.

It having been represented to this Corporation that the Pilots frequently neglect the use of the Lead, which is of the greatest importance to the safety of Vessels in their charge, especially in thick weather, the Pilots are hereby cautioned against any repetition of such neglect, as, in the event of any accident occurring, and proof being produced that the Pilot has failed to perform this most essential branch of his duty, his licence will be taken away, and declared null and void.

By Order,

ROBIN ALLEN, *Secretary.*

ORDER RESPECTING VESSELS TOUCHING THE GROUND, OR IN COLLISION.

TRINITY HOUSE, LONDON.

When a Vessel touches the ground, or a collision occurs with any other Vessel, the Pilot in charge is immediately to report the occurrence in writing on the form prescribed, addressed to the Secretary at this House.

By Order,

ROBIN ALLEN, *Secretary.*

ORDER RESPECTING LOSS OF ANCHORS AND CABLES.

TRINITY HOUSE, LONDON.

When Anchors or Cables are lost from any Vessel, the Pilot in charge is immediately to report the occurrence in writing on the form prescribed, addressed to the Secretary at this House.

By Order,

ROBIN ALLEN, *Secretary.*

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